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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

MERVAT MIKHAEIL,)
Plaintiff,) U.S. District Case No.:
vs.) 2:13-CV-14107
WALGREEN'S INC.,) Honorable Nancy G. Edmunds
Defendant.) Magistrate Judge David R. Grand

THE VIDEOTAPED DEPOSITION OF MERVAT MIKHAEIL - VOLUME I

DEPONENT: Mervat Mikhaeil

DATE: Thursday, July 17, 2014

TIME: 9:44 a.m.

LOCATION: Kienbaum Opperwall Hardy & Pelton, PLC
280 North Old Woodward Avenue, Suite 400
Birmingham, Michigan 48009

REPORTER: Kelli A. Murphy, CSR-7768, B.S.

VIDEOGRAPHER: Patrick Murphy.

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APPEARANCES:

MARLA A. LINDERMAN, ESQ. (P55759)
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Appearing on behalf of Defendant.

ALSO PRESENT VIA VTC: Stephanie Gaines, Esq.
In-House Counsel for Walgreen's.

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E X H I B I T S

MIKHAEIL
Deposition
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Exhibit 1 Curriculum Vitae
(WALGREEN 147 - 148) 87

Exhibit 2 Application for Employment
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Exhibit 3 Copy of Prescription
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Exhibit 5 6/25/13 E-Mail
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Exhibit 6 E-Mail Chain
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* * *

<p>1 Birmingham, Michigan 2 Thursday, July 17, 2014 3 About 9:44 a.m. 4 5 * * * * 6 7 THE VIDEOGRAPHER: We are on the record. This 8 is disc 1 of the video deposition of Mervat Mikhael, 9 being taken at the law offices of Kienbaum Opperwall 10 Hardy & Pelton, 2800 [sic] North Old Woodward Avenue in 11 Birmingham, Michigan. 12 Today is Thursday, July 17, 2014, and the time 13 is 9:44 a.m. This is in the matter of Mikhael versus 14 Walgreen's Inc., Case No. 2:13-CV-14107, pending in 15 US District Court for the Eastern District of Michigan, 16 Southern Division. 17 My name is Patrick Murphy. I'm the legal 18 videographer. Our court reporter today is Kelli Murphy. 19 We represent Esquire Solutions, and the attorneys will 20 now introduce themselves for the record. 21 MS. LINDERMAN: Oh, you can go first. 22 MS. HARDY: Elizabeth Hardy on behalf of the 23 defendant. 24 MR. DAVIS: Tom Davis on behalf of the 25 defendant.</p>	<p>Page 5</p> <p>1 EXAMINATION 2 BY MS. HARDY: 3 Q Do you speak fluent English? 4 A Yes. 5 Q All right. And you understand English; correct? 6 A Yes. 7 Q Okay. If at any point in time you don't understand any 8 of my questions, or if I'm speaking too rapidly, please 9 let me know. Will you do so? 10 A I will do. 11 Q Okay. And if -- 12 MS. LINDERMAN: You need -- 13 MS. HARDY: -- at -- 14 MS. LINDERMAN: -- to speak up, 'cause I can 15 barely hear you -- 16 THE WITNESS: Okay. 17 MS. LINDERMAN: -- myself. 18 THE WITNESS: I'm sorry. I have a sore 19 throat. I'm sorry. 20 BY MS. HARDY: 21 Q All right. If, at any point in time, if I use a word 22 that you don't understand, or some combination of words 23 that you don't understand, please let me know. 24 A Okay. I will. 25 Q You will do that --</p>
<p>1 MS. LINDERMAN: Is she going to put her 2 appearance on? 3 MS. HARDY: No. She's not an attorney of 4 record. 5 MS. LINDERMAN: Okay. Well, still the party 6 person, but that's fine. 7 Marla Linderman, appearing on behalf of the 8 plaintiff. 9 M E R V A T M I K H A E I L, 10 a Plaintiff herein, having been first duly sworn or 11 affirmed by the Notary Public, was examined and 12 testified as follows: 13 MS. HARDY: Stephanie, can you at least place 14 your appearance on the record, although you're not 15 counsel of record? 16 MS. GAINES: Sure. Stephanie Gaines, in-house 17 counsel -- senior counsel at Walgreen's. 18 MS. HARDY: Thank you. All right. Let's 19 proceed. 20 Good morning. My name is Elizabeth Hardy, and 21 I represent Walgreen's in this matter, and I'm here 22 today to ask you some questions about the factual 23 support you have for the allegations that you've made in 24 this lawsuit. 25</p>	<p>Page 6</p> <p>1 A Um-hmm. 2 Q -- correct? 3 A Um-hmm. 4 Q All right. Yes. 5 Now, you need to make sure that you let me 6 finish a question before you answer, and then you have 7 to be careful to provide a verbal answer as opposed to a 8 nod of the head -- 9 A Okay. 10 Q -- okay? 11 A Okay. 12 Q Now, witnesses frequently tend to nod their heads, 13 'cause that's how people communicate with one another, 14 but that makes it very difficult for the court reporter 15 to make a record. 16 A Okay. 17 Q So you've got to discipline yourself to verbally 18 respond. If you fail to do so, I'm going to have to 19 interrupt you and let you know that you're nodding your 20 head. I don't mean to be critical or rude, but we just 21 need to make sure that we get a clear record. 22 A Okay. 23 Q All right? 24 A Okay. 25 Q So it's also important that you let me finish my</p>

<p style="text-align: right;">Page 9</p> <p>1 question before you start to respond. Even though you 2 may anticipate what I'm going to ask you, please let me 3 finish first. Okay? 4 A Okay. 5 Q And the same goes for me. If you're answering a 6 question, I need to let you finish. Sometimes I'll 7 think you're done, when you're not. And if I interrupt 8 you accidentally, you let me know. Okay? 9 A Okay. 10 Q All right. So it's the same -- same rules for both 11 sides here. 12 A Yeah. 13 Q Okay? 14 A Okay. 15 Q Now, have you ever had a deposition taken before? 16 A No. This is the first time. 17 Q Okay. So then these rules are particularly important, 18 and I may need to remind you, from time to time, about 19 the rules. 20 A Okay. 21 Q Okay? 22 A Um-hmm. 23 Q All right. Now, if at some point in time you need a 24 break just to stretch your legs or to use the restroom, 25 please let me know. I'll be happy to accommodate you.</p>	<p style="text-align: right;">Page 11</p> <p>1 BY MS. HARDY: 2 Q Mikhael? 3 A Yeah. 4 Q Is that a married name? 5 A For my husband? No. My husband has a different name. I 6 didn't change my -- my grandpa's name. 7 Q All right. Was your current name, Mervat Mikhael, your 8 name at birth? 9 A Yes. 10 Q Okay. Have you ever been known by any other legal name? 11 A No. 12 Q All right. What is your husband's name? 13 A My husband's name is Moomen. 14 Q Could you spell, please? 15 A M-O-O-M-E-N. The last name is Mirhom, M-I-R-H-O-M. 16 Q Okay. Do you have children? 17 A Three. 18 Q How many? Three? 19 A Three. 20 Q All right. 21 A One boy and two girls. 22 Q What is their last name? 23 A Last name is Farah, F-A-E-R-E-H [sic], Farah. 24 Can I spell it again? 25 Q F-A-E-R --</p>
<p style="text-align: right;">Page 10</p> <p>1 The only requirement is that if I have a question that's 2 pending, that you need to answer it before you leave the 3 room. 4 A Okay. 5 Q Okay? 6 A Um-hmm. 7 Q All right. Fair enough? 8 A Yes. 9 Q All right. Do you have any questions before we start? 10 A No. 11 Q All right. Please state your current legal name for the 12 record. 13 A My current -- for today? 14 Q Yes. Your -- your legal name as of today. 15 A I'm sorry. The legal? 16 Q Your legal name. 17 A Legal -- my legal name? 18 MS. LINDERMAN: She just wants -- 19 THE WITNESS: Okay. 20 MS. LINDERMAN: -- your name. 21 THE WITNESS: My legal name is coming like 22 Mervat -- M-E-R-V -- "victory" -- A -- "apple" -- T -- 23 "Thomas" -- Mikhael. Mikhael or Mikhael. 24 M-I-K-H-A-E-I-L, Mikhael. 25</p>	<p style="text-align: right;">Page 12</p> <p>1 A No. 2 F -- "Frank" -- A -- "apple" -- R -- "Robert" -- 3 A -- "apple" -- H -- "Henry." 4 Q And all three children have that same last name? 5 A Yes. 6 Q Where were you born? 7 A Egypt. 8 Q And when did you immigrate to the United States? 9 A July 2007. 10 Q Had you lived in the United States at any time prior to 11 July 2nd -- 12 A No. 13 Q -- 2007? 14 A Sorry. 15 Q Okay. 16 A No. 17 Q That's an example of where you started -- 18 A I'm sorry. 19 Q -- to interrupt me. 20 Okay. 21 A I'm sorry. No. 22 Q Had you lived, at any point in time prior to July 2, 2007, 23 outside of Egypt? 24 A No. Just Egypt, and after that I came here. 25 Q How old were you when you came to the United States?</p>

<p style="text-align: right;">Page 13</p> <p>1 A Thirty-seven. Yeah, 37.</p> <p>2 Q Where did you learn to speak English?</p> <p>3 A I learned to -- to speak English when I was, like, four</p> <p>4 years old, but I spoke like British -- British English.</p> <p>5 Q Um-hmm.</p> <p>6 A Yeah.</p> <p>7 Q Did you attend an English-speaking school as a child?</p> <p>8 A Yeah.</p> <p>9 Q So your -- your classes through your grade school and</p> <p>10 high school time period were taught in English?</p> <p>11 A I will let you know that. Just coming, like, extra</p> <p>12 language while I was in elementary, high school, I --</p> <p>13 elementary, middle, and high school, just coming like --</p> <p>14 like an extra language with French, and after that when</p> <p>15 I was in -- in the college, pharmacy school, I got like</p> <p>16 five years in English.</p> <p>17 Q Did you receive -- strike that.</p> <p>18 Were your classes taught in English? Did the</p> <p>19 instructors use English when they were instructing you</p> <p>20 in the class, members of the class?</p> <p>21 A In pharmacy school?</p> <p>22 Q Let's start with elementary school.</p> <p>23 A Elementary school is coming like that, beginning how to</p> <p>24 -- how to introduce myself, how to get something like</p> <p>25 science, how to do some mathematical -- something like</p>	<p style="text-align: right;">Page 15</p> <p>1 And that was an Egyptian school?</p> <p>2 A Yes.</p> <p>3 Q Okay. And in the Egyptian school the instructors spoke</p> <p>4 Arabic in the classroom or English?</p> <p>5 A Sometimes, yes, we can -- we can speak Arabic there in</p> <p>6 the -- in the classes, itself, yeah, we can speak</p> <p>7 Arabic.</p> <p>8 Q Now, what did the -- what language did the instructors</p> <p>9 use in the course of -- of instructing the class?</p> <p>10 English or --</p> <p>11 A English.</p> <p>12 Q -- Arabic?</p> <p>13 English?</p> <p>14 A English. But -- but sometimes we can mix between both</p> <p>15 of them, you know.</p> <p>16 Q Um-hmm.</p> <p>17 A Sometimes that -- we used to do there.</p> <p>18 Q Okay.</p> <p>19 A Uh-huh.</p> <p>20 Q And then in addition to having English-speaking</p> <p>21 instructors, you had English training when you lived in</p> <p>22 Egypt; is that correct? You went to classes that helped</p> <p>23 you perfect your ability to speak --</p> <p>24 A Oh --</p> <p>25 Q -- the English language?</p>
<p style="text-align: right;">Page 14</p> <p>1 problems, how to do that.</p> <p>2 And after this, I got it like how to</p> <p>3 communicate with -- with British people when I go to</p> <p>4 Britain. That's what I already got.</p> <p>5 Q Did you go to an Egyptian school or a British school?</p> <p>6 A The -- the first one, it was in British school. That --</p> <p>7 this was elementary one to sixth grade, and after that</p> <p>8 Egyptian one.</p> <p>9 Q Okay. So let's take your elementary. From the</p> <p>10 beginning of your schooling, up through sixth grade, you</p> <p>11 were in a British school?</p> <p>12 A Yes.</p> <p>13 Q And did the instructors speak English --</p> <p>14 A Yes.</p> <p>15 Q -- to -- to -- in -- when they were teaching the class?</p> <p>16 A Yeah.</p> <p>17 Q Okay. And then when you went to seventh grade, which is</p> <p>18 middle school, did -- were you in an Egyptian school or</p> <p>19 a British school?</p> <p>20 A Egyptian.</p> <p>21 Q Okay.</p> <p>22 A From seventh until done with the college.</p> <p>23 Q Okay. Until you're done with high school?</p> <p>24 A Not high school. Until done with the pharmacy school.</p> <p>25 Q Through pharmacy school, okay.</p>	<p style="text-align: right;">Page 16</p> <p>1 A I will tell you, no, I didn't get that at all. But when</p> <p>2 I came here in July 2007, after that I went back to</p> <p>3 Egypt in -- in -- like in January 2008, and I was there</p> <p>4 for, like, four months, and at this time I got something</p> <p>5 like training for how to speak American. That's what I</p> <p>6 really got.</p> <p>7 Q American English as opposed to British English?</p> <p>8 A A little bit. There is something like a little bit</p> <p>9 different from here to there, so they are trying to</p> <p>10 figure out to -- this -- "This you don't have to say,</p> <p>11 because Americans understand something different. You</p> <p>12 can say that. Don't say that."</p> <p>13 That's what I already got.</p> <p>14 Q Okay. How did you learn to speak British English?</p> <p>15 A British English, I already got it while I was there in</p> <p>16 elementary.</p> <p>17 Q In elementary, okay.</p> <p>18 A Yeah.</p> <p>19 Q Do either of your parents speak British English?</p> <p>20 A My dad was speaking perfect British English and French</p> <p>21 together.</p> <p>22 Q Okay. Is your father Egyptian as well?</p> <p>23 A Um-hmm.</p> <p>24 Q Yes?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 17</p> <p>1 Q And your mother Egyptian?</p> <p>2 A Yeah. We all.</p> <p>3 Q Okay. Are you a resident of the United States?</p> <p>4 A I'm a citizen.</p> <p>5 Q You're a citizen.</p> <p>6 When did you obtain your citizenship?</p> <p>7 A I got it in October 2012.</p> <p>8 Q Is your husband a citizen as well?</p> <p>9 A Yes.</p> <p>10 Q When did you marry your husband?</p> <p>11 A 1993. In July 1993.</p> <p>12 Q When did he become a citizen?</p> <p>13 A October 2012.</p> <p>14 Q Same time as you?</p> <p>15 A Yeah.</p> <p>16 Q Have you been married to anyone other than your current</p> <p>17 husband?</p> <p>18 A No.</p> <p>19 Q What was your personal email in 2012 and 2013? What was</p> <p>20 your email address?</p> <p>21 A My email address? 2012 and two-thousand what?</p> <p>22 Q '13.</p> <p>23 A 2012 and 2013. By the end of that year of 2012,</p> <p>24 something like maybe July 2012 till now, it is</p> <p>25 M-E-R-V-A-T-M-I-K-H-A-E-I-L -- my name, Mervat Mikhaeil,</p>	<p style="text-align: right;">Page 19</p> <p>1 Q What type of cell phone? Was it an iPhone, or was it a</p> <p>2 -- some -- some other kind of phone?</p> <p>3 A I cannot remember this kind. I cannot even -- something</p> <p>4 4G, maybe. That's what I had before, something 4G. I</p> <p>5 cannot remember what it was.</p> <p>6 Q Okay. Did you have the capacity with your cell phone,</p> <p>7 that you've had since October 2011, to send and receive</p> <p>8 emails from your phone?</p> <p>9 A No. Because it was something, like, very old one and</p> <p>10 there's no access to Internet.</p> <p>11 Q Okay. Do you have access to Internet on your cell phone</p> <p>12 now?</p> <p>13 A Yes.</p> <p>14 Q When did you first acquire access to the Internet on</p> <p>15 your cell phone?</p> <p>16 A I got the access on -- by the end of 2012, but when --</p> <p>17 maybe October, maybe December. I'm sorry. I cannot</p> <p>18 remember when.</p> <p>19 Q Okay. And what cell phone did you have, at that point</p> <p>20 in time, that provided you with access to the Internet?</p> <p>21 A Can you say it again?</p> <p>22 Q Yes.</p> <p>23 What type of cell phone did you acquire at the</p> <p>24 end of 2012 that allowed you to have access to the</p> <p>25 Internet?</p>
<p style="text-align: right;">Page 18</p> <p>1 one more --</p> <p>2 Q Um-hmm.</p> <p>3 A -- @Yahoo.com.</p> <p>4 Q So the only personal email address you've had, since</p> <p>5 July 2012, is the one you just identified on the record?</p> <p>6 A Yeah. Mervat Mikhaeil, um-hmm.</p> <p>7 Q And have you had a cell phone since July 2012?</p> <p>8 A Maybe it was from -- I'm trying to get that right. I</p> <p>9 think 2011. October 2011.</p> <p>10 Q Okay.</p> <p>11 A I got one.</p> <p>12 Q You got a cell phone.</p> <p>13 And you still have that same cell phone today?</p> <p>14 A Maybe I change it, but the same number. You know, the</p> <p>15 same phone number, yes.</p> <p>16 Q Same phone number. What's the phone number?</p> <p>17 A (XXX) XXX-XXXX.</p> <p>18 Q Okay.</p> <p>19 MS. LINDERMAN: Just for the record, I'd ask</p> <p>20 that that number be redacted before it's put into the</p> <p>21 record, her deposition in.</p> <p>22 MS. HARDY: That's fine. No problem.</p> <p>23 BY MS. HARDY:</p> <p>24 Q What type of cell phone did you acquire in October 2011?</p> <p>25 A Sorry. What?</p>	<p style="text-align: right;">Page 20</p> <p>1 A Samsung S3.</p> <p>2 Q Is that the phone you have in front of you?</p> <p>3 A Yes.</p> <p>4 Q Okay. And the phone you have in front of you you've had</p> <p>5 since the end of 2012?</p> <p>6 A Yes.</p> <p>7 Q Yes?</p> <p>8 A Um-hmm.</p> <p>9 MS. LINDERMAN: You have to say "yes" or "no."</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MS. HARDY:</p> <p>12 Q Okay. And can you send emails from your Samsung phone</p> <p>13 that you've had since the end of 2012?</p> <p>14 A What? Can I do what?</p> <p>15 Q Can you send emails?</p> <p>16 A Yeah, I can.</p> <p>17 Q All right. So you can send and receive emails from the</p> <p>18 phone that you have in front of you which is the phone</p> <p>19 you acquired at the end of 2012?</p> <p>20 A Once I get it, I can take it, yes.</p> <p>21 Q The answer is "yes"?</p> <p>22 A Yes.</p> <p>23 Q When did you become licensed as a pharmacist in the</p> <p>24 United States?</p> <p>25 A March 15, 2011.</p>

<p style="text-align: right;">Page 21</p> <p>1 Q You completed your pharmacy training in Egypt?</p> <p>2 A I -- that's when I was here for my Egyptian license, but</p> <p>3 when I came here, supposed to do something called</p> <p>4 qualification to just get the license from USA.</p> <p>5 Q Um-hmm.</p> <p>6 A I'm supposed to pass, like, four exams, and I did. And</p> <p>7 just did -- everything established on March 15, 2011.</p> <p>8 Q I'd like you to explain what the qualification process</p> <p>9 was that you went through in the United States so that</p> <p>10 you could become licensed as a pharmacist.</p> <p>11 MS. LINDERMAN: Asked and answered. She just</p> <p>12 told you that.</p> <p>13 BY MS. HARDY:</p> <p>14 Q She said she took four exams, but I don't know whether</p> <p>15 there was any coursework you had to take, or whether it</p> <p>16 was just a matter of taking exams.</p> <p>17 A Um-hmm. Okay. The four exams is supposed -- first of</p> <p>18 all, you have to do something called "qualification."</p> <p>19 It is something to -- to see how much did you get from</p> <p>20 Egypt -- from Egypt or from your mother --</p> <p>21 Q Country?</p> <p>22 A -- country. And the -- if you are qualified enough, it</p> <p>23 is something -- at my time it was two times in the --</p> <p>24 the test coming -- or the exam coming, like, two times a</p> <p>25 year. One of them coming in December, and the other one</p>	<p style="text-align: right;">Page 23</p> <p>1 A No.</p> <p>2 Q Have you attempted to become licensed in any state other</p> <p>3 than Michigan?</p> <p>4 A When we planning something to go to Florida, I got a</p> <p>5 license as a pharmacy intern in Florida.</p> <p>6 Q Did you live in Florida for a period --</p> <p>7 A No --</p> <p>8 Q -- of time?</p> <p>9 A -- I didn't. No, I didn't go there before, so...</p> <p>10 Q When you immigrated to the United States, did you come</p> <p>11 directly to Michigan?</p> <p>12 A Yeah.</p> <p>13 Q And have you lived in Michigan at all times since you</p> <p>14 have been in the United States?</p> <p>15 A Yeah. I went out of the state just to do my exams.</p> <p>16 Q Okay. When did you start the qualification process to</p> <p>17 obtain a pharmacy license in Michigan?</p> <p>18 A It was something like -- I already make, like,</p> <p>19 application with the board, itself, and it -- it was in</p> <p>20 June 2008. Yes, June 2008. And I got the permission to</p> <p>21 go through it in October 2008.</p> <p>22 Q And then you completed it on March 15, 2011?</p> <p>23 A Yes, exactly.</p> <p>24 Q Okay. All right. Let's switch gears for a moment.</p> <p>25 Are you taking any medication, today, that</p>
<p style="text-align: right;">Page 22</p> <p>1 in May or April. I'm not sure.</p> <p>2 But anyway, I -- when you do that, you can go</p> <p>3 to another step, which coming like TOEFL, which means --</p> <p>4 TOEFL means how to speak English well, fluent -- fluent</p> <p>5 English. And when you pass this coming with a very high</p> <p>6 score, when you do that you can go to the next step,</p> <p>7 which coming like -- you have to do, like, 1,000 hours</p> <p>8 with the -- the boards you're related to.</p> <p>9 And Michigan comes, like, 1,000 hours. If you</p> <p>10 are going to get it from Florida, 2,000 hours or</p> <p>11 something. If you are going -- you know. So once you</p> <p>12 got 1,000 hours, you can go to the next step, do exam</p> <p>13 with NAPLEX. NAPLEX means that you already see this</p> <p>14 kind of medication -- see this kind of medication, and</p> <p>15 everything adjusted okay, and you know how to -- to --</p> <p>16 You know what? It's coming, like, instruct</p> <p>17 your patient, or you're trying to tell him how to get</p> <p>18 your -- your medication well, in the morning, in the</p> <p>19 evening, or something like this.</p> <p>20 And after this, you have to pass the law, the</p> <p>21 law for that board, or for -- with that -- that -- that</p> <p>22 state you already are related to. If you got the law</p> <p>23 with your -- your state, they are going to give you.</p> <p>24 Q Are you licensed as a pharmacist in any state other than</p> <p>25 Michigan?</p>	<p style="text-align: right;">Page 24</p> <p>1 could, in any way, interfere with your ability to</p> <p>2 understand questions and to respond truthfully to</p> <p>3 questions?</p> <p>4 A I got some antibiotic today.</p> <p>5 Q I'm sorry. What did you take?</p> <p>6 A I got some antibiotic, Amoxicillin, 'cause I have a sore</p> <p>7 throat.</p> <p>8 Q Oh, all right. Some antibiotics?</p> <p>9 A Yes, um-hmm.</p> <p>10 Q Anything else?</p> <p>11 A Tylenol Extra.</p> <p>12 Q I'm sorry. Can you spell that?</p> <p>13 A Tylenol.</p> <p>14 Q Tylenol. Tylenol Extra.</p> <p>15 A Um-hmm.</p> <p>16 Q I'm sorry.</p> <p>17 Anything else?</p> <p>18 A That's it.</p> <p>19 Q All right. So the only medications that you have taken</p> <p>20 today are the antibiotics -- the Amoxicillin -- and</p> <p>21 Tylenol Extra?</p> <p>22 A Exactly.</p> <p>23 Q All right. Do you take any other medications on a</p> <p>24 regular basis?</p> <p>25 A I'm supposed to be on -- on something like Feosol Complete</p>

<p style="text-align: right;">Page 25</p> <p>1 or iron, every day, because I am anemic.</p> <p>2 Q Um-hmm.</p> <p>3 A So I'm supposed to get, every day, three tablets from --</p> <p>4 from iron.</p> <p>5 Q Is that a prescription, or is that an over the counter?</p> <p>6 A No. This is coming like prescription, but in a way I --</p> <p>7 I couldn't use it -- I couldn't use it as much, because</p> <p>8 it hurts me.</p> <p>9 Q Do you take any prescription medications on a regular</p> <p>10 basis, other than the iron prescription?</p> <p>11 A No, never.</p> <p>12 Q Do you suffer, today, from any physical ailments or</p> <p>13 mental health issues that require treatment?</p> <p>14 A I have a sore throat. That's what I have. And I feel</p> <p>15 something with my ear, and it -- I -- my ear hurts me a</p> <p>16 little.</p> <p>17 Q All right. You don't have any other physical ailments</p> <p>18 that require treatment --</p> <p>19 A No.</p> <p>20 Q -- at this time?</p> <p>21 A No.</p> <p>22 Q All right. Do you have any mental health issues that</p> <p>23 require treatment?</p> <p>24 A No.</p> <p>25 Q Have you ever sought treatment for emotional problems or</p>	<p style="text-align: right;">Page 27</p> <p>1 A Yes. My -- my family one, his name is Dr. Al-Matchy.</p> <p>2 Q Could you spell his last name?</p> <p>3 A A-L - M-A-T-C-H-Y.</p> <p>4 Q Where is his office located?</p> <p>5 A Exactly, I don't know, but he is between 15 and 16 Mile</p> <p>6 and Dequindre Road.</p> <p>7 Q What's the name of his practice?</p> <p>8 A I don't know. I'm sorry.</p> <p>9 Q Is he a medical doctor?</p> <p>10 A Yes. Medical MD.</p> <p>11 Q Okay. Is he -- what -- what is his specialty, if any?</p> <p>12 A I think he's GP.</p> <p>13 Q Okay. And for what -- let's say in the past five years</p> <p>14 -- what's the range of medical issues that you have</p> <p>15 treated with him -- for which you've treated with him?</p> <p>16 A It was for what? The last time it was for my throat,</p> <p>17 sore throat. And what else? Something like -- like</p> <p>18 stuff -- like gyno stuff, like gynecology.</p> <p>19 Q Yes. Okay.</p> <p>20 A Okay. And that's it.</p> <p>21 Q That's it?</p> <p>22 A Um-hmm.</p> <p>23 Q Okay. So nothing serious and nothing ongoing?</p> <p>24 A No, up to now.</p> <p>25 Q So that's lucky.</p>
<p style="text-align: right;">Page 26</p> <p>1 mental health problems?</p> <p>2 A No.</p> <p>3 Q Have you ever suffered from any kind of mental health or</p> <p>4 emotional problems that you felt required treatment even</p> <p>5 though you did not seek treatment?</p> <p>6 A No.</p> <p>7 Q Have you ever taken any medication for any kind of</p> <p>8 emotional or mental health problem?</p> <p>9 A No.</p> <p>10 Q And when I ask about treatment, I'm including not just</p> <p>11 medical doctors, but therapists, social workers,</p> <p>12 psychologists, or any kind of counselor who might assist</p> <p>13 you with emotional issues or mental health issues.</p> <p>14 MS. LINDERMAN: Objection to form and</p> <p>15 foundation.</p> <p>16 BY MS. HARDY:</p> <p>17 Q So just to make sure it's clear, you haven't sought</p> <p>18 treatment for --</p> <p>19 A No.</p> <p>20 Q -- emotional problems or mental health problems --</p> <p>21 A No.</p> <p>22 Q -- with anyone that falls in that category of a</p> <p>23 counselor of any sort?</p> <p>24 A No, never.</p> <p>25 Q Okay. Do you have a family physician?</p>	<p style="text-align: right;">Page 28</p> <p>1 A Um-hmm.</p> <p>2 Q Okay. Have you seen the document requests that</p> <p>3 Walgreen's served on you and your counsel in this case?</p> <p>4 Has your attorney showed that to you?</p> <p>5 A Showed me what?</p> <p>6 Q The -- the request for documents that Walgreen's has</p> <p>7 served on you and your counsel. The documents that</p> <p>8 Walgreen is asking you to provide to it. Have you seen</p> <p>9 that request?</p> <p>10 A No.</p> <p>11 Q Have you been asked to search for documents?</p> <p>12 A You are asking?</p> <p>13 Q No.</p> <p>14 Have you been asked by your attorney to search</p> <p>15 for documents that are responsive --</p> <p>16 A She asking me?</p> <p>17 Q -- to Walgreen's --</p> <p>18 A She --</p> <p>19 Q -- request?</p> <p>20 A She asking me for that?</p> <p>21 Q I'm -- my -- it's a question. Has she asked you to look</p> <p>22 for documents?</p> <p>23 A Yes.</p> <p>24 Q When -- when did she ask you?</p> <p>25 A The request, itself? The document, itself? The</p>

<p>1 document? What? I'm sorry. I didn't get that. 2 Q All right. 3 A Which one are you looking for? 4 Q Just -- I'm not -- 5 MS. LINDERMAN: She's asking -- 6 MS. HARDY: I'm not asking about anything, in 7 particular. 8 BY MS. HARDY: 9 Q Has your attorney asked you to search your personal 10 belongings for documents that relate to this lawsuit? 11 A Yes. I have my document. I already gave it to -- to my 12 attorney -- 13 Q Oh, okay. 14 A -- from the -- the first time, yes. 15 Q All right. So you have -- have you made a thorough 16 search of your home, your car, and any other place that 17 documents might be stored that are relevant to, or 18 relate to, the claims you're making in this lawsuit? 19 A I'm sorry. I didn't get that. The -- the plan, how 20 did the -- how did the -- 21 MS. HARDY: She'll read the question back to 22 you. 23 THE WITNESS: Um-hmm. 24 (Whereupon the question was read 25 back by the court reporter.)</p>	<p>Page 29</p> <p>1 Q Yeah. The search for documents. 2 A What -- you -- you mean I make search to get this 3 document? That's what you are talking -- 4 Q Not -- 5 A -- about? 6 Q Not -- not a particular document. Any -- any -- I'm 7 asking, do you have any documents -- did you keep any 8 documents, after you left Walgreen, that relate to the 9 allegations you're making -- 10 A Yes. 11 Q -- in your lawsuit? 12 A Yeah. I already got some documents related to this 13 case -- 14 Q Um-hmm. 15 A -- once I found something wrong -- 16 Q All right. 17 A -- with the law. 18 Q All right. So have you searched every place where 19 documents might be stored that support the claims in 20 your lawsuit? 21 A No. I didn't search -- I'm sorry for that, but I didn't 22 search. I didn't try, even, to get any kind of document 23 after -- once I -- I left Walgreen's. I didn't get any 24 other documents. Just I -- I have those which I already 25 have now, but for the last four -- from, like, 28 days</p> <p>Page 31</p>
<p>1 BY MS. HARDY: 2 Q Do you understand? 3 A So you are asking if I got this document and tried to 4 get that -- that -- that -- that -- that -- that 5 document through the Internet, or -- 6 Q No, no, no. 7 A -- what -- 8 Q No, stop. 9 A Um-hmm. 10 Q It's much more simple. 11 A Um-hmm. 12 Q Okay. 13 A Um-hmm. 14 Q All right. 15 A Um-hmm. 16 Q Have you looked in your home, in your car, and any other 17 place where you might have hard copies of documents that 18 relate to your allegations in this lawsuit? 19 A Yes. 20 MS. LINDERMAN: I'm going to object to form 21 and foundation, just because obviously there's some confusion. 22 THE WITNESS: Yes. 23 BY MS. HARDY: 24 Q Have you made that search? 25 A Made search?</p>	<p>Page 30</p> <p>1 or four weeks -- 2 I just want to know the answer for one of my 3 questions. Is that okay or not? Is this -- this goes 4 with the law or not? This happened because the original 5 -- what is the law? Or they didn't know anything about 6 it? 7 So I tried to search with this kind of -- 8 something like -- like it is -- it is available for all 9 pharmacists in -- in that state, and it is something 10 related to our board, which we are related to, and I 11 tried to meet 100 percent. That, I am honest. 12 I already have something violated. Something 13 they -- they already violated this kind of law. So I 14 just tried to know as a pharmacist -- as a pharmacist 15 for even -- as -- as a -- even before with Walgreen's, I 16 just wanted -- this coming, like, one idea on my -- on 17 my mind. Is -- is there something wrong happened? Yes 18 or no? Exactly. 19 I -- I am emotional or not, this is something 20 affects -- it affects me or not? So I tried to know 21 from that stage, this program, and the -- the Internet, 22 just available for all pharmacists. 23 Q Okay. 24 A I went through it. 25 Q All right. You're -- you're getting a little --</p> <p>Page 32</p>

<p style="text-align: right;">Page 33</p> <p>1 MS. LINDERMAN: Yes.</p> <p>2 MS. HARDY: -- far afield from where my</p> <p>3 question is.</p> <p>4 MS. LINDERMAN: And from her answer, I -- I</p> <p>5 guess I do have to object to form and foundation, 'cause</p> <p>6 I don't think she understood.</p> <p>7 MS. HARDY: I -- I -- I will go back.</p> <p>8 BY MS. HARDY:</p> <p>9 Q But before I go back to my original question --</p> <p>10 A Okay.</p> <p>11 Q -- I want to know when -- when did you start doing the</p> <p>12 Internet research to determine whether or not something</p> <p>13 had been done at Walgreen's that was wrong or against</p> <p>14 the law?</p> <p>15 A Was from four weeks.</p> <p>16 Q Four weeks from when? Four weeks prior --</p> <p>17 A From now.</p> <p>18 Q From now?</p> <p>19 A Uh-huh.</p> <p>20 Q All right. So then that would have been sometime in</p> <p>21 June 2014?</p> <p>22 A I'm not sure from the time, but I already got the -- the</p> <p>23 answer for my question.</p> <p>24 Q All right. But you started the research, that you just</p> <p>25 referred to, this -- this summer in 2014; correct?</p>	<p style="text-align: right;">Page 35</p> <p>1 what? Like when I found one of them, I already told</p> <p>2 somebody just to take care of it, because it -- "Hey</p> <p>3 guys, because this is coming like an evaluation" --</p> <p>4 Q Okay. You're -- you're --</p> <p>5 A Yes.</p> <p>6 Q -- you're -- you're --</p> <p>7 MS. LINDERMAN: Yeah.</p> <p>8 BY MS. HARDY:</p> <p>9 Q -- now getting far afield again.</p> <p>10 A I'm sorry. Okay.</p> <p>11 Q I just want to know about documents that you have --</p> <p>12 A Yes.</p> <p>13 Q -- in your possession --</p> <p>14 A Yes.</p> <p>15 MS. LINDERMAN: Just wait.</p> <p>16 BY MS. HARDY:</p> <p>17 Q -- that you --</p> <p>18 A Yes.</p> <p>19 Q -- claim support what you're alleging in this lawsuit.</p> <p>20 A Yes.</p> <p>21 Q So let's just talk about documents.</p> <p>22 A Okay.</p> <p>23 Q What documents do you have, in your possession, that you</p> <p>24 claim support what you're asserting in this lawsuit?</p> <p>25 A I --</p>
<p style="text-align: right;">Page 34</p> <p>1 MS. LINDERMAN: Objection to form and</p> <p>2 foundation.</p> <p>3 BY MS. HARDY:</p> <p>4 Q You said three to four weeks ago. This is -- this is,</p> <p>5 right now, July 18 [sic], 2014, so based upon your</p> <p>6 testimony, it would have been sometime in -- in June or</p> <p>7 early July 2014 that you started the research?</p> <p>8 A You know what? Even I'm not sure from the time, but I</p> <p>9 think I got the answer. I'm sorry. Maybe I -- I'm not</p> <p>10 this kind of -- of precise with the date, but I think I</p> <p>11 got the answer.</p> <p>12 Q All right. Well, I want to know the general time frame,</p> <p>13 even not -- even if you don't know the precise date when</p> <p>14 you started the research. It was sometime this -- this</p> <p>15 summer and this year?</p> <p>16 A This summer or this year? Yes. Um-hmm.</p> <p>17 Q All right. Now, let me go back and ask my question,</p> <p>18 again, 'cause I agree with your counsel, I don't think</p> <p>19 you understood.</p> <p>20 A Okay. Um-hmm.</p> <p>21 Q When -- when you left Walgreen's, did you have any hard</p> <p>22 copies of documents that you -- you feel support the</p> <p>23 claims you're making in this lawsuit?</p> <p>24 A Yes. I -- but -- but anyway, it wasn't something like</p> <p>25 -- like a hard copy. It was something like -- like</p>	<p style="text-align: right;">Page 36</p> <p>1 MS. LINDERMAN: Objection. Form and</p> <p>2 foundation. You're talking about possession. I just</p> <p>3 want to put this on the record, what she's given to me,</p> <p>4 now I possess.</p> <p>5 MS. HARDY: Well, things that she -- she had</p> <p>6 in her possession at the time she left Walmart [sic].</p> <p>7 MS. LINDERMAN: Objection to form and</p> <p>8 foundation, but please go ahead.</p> <p>9 THE WITNESS: Okay. I wanted to tell you</p> <p>10 about that. Once I got all this stuff, and I found that</p> <p>11 something, like, happened with me, and this coming like</p> <p>12 -- like I tried to -- to tell somebody, or to the</p> <p>13 supervisor --</p> <p>14 BY MS. HARDY:</p> <p>15 Q You're not talking about -- I just want to know about</p> <p>16 documents.</p> <p>17 A Okay.</p> <p>18 Q This is a document right here (counsel indicating). A</p> <p>19 piece of paper.</p> <p>20 A Okay.</p> <p>21 Q Let's just talk about pieces of paper --</p> <p>22 A Um-hmm.</p> <p>23 Q -- that relate to your employment at Walgreen, and the</p> <p>24 allegations you're making in this lawsuit.</p> <p>25 A Now, I didn't --</p>

<p style="text-align: right;">Page 37</p> <p>1 MS. LINDERMAN: I do think she's trying to 2 answer the question. I think there's something missing. 3 MS. HARDY: All right. 4 THE WITNESS: At this moment, I don't have 5 this kind which you already have. I'm not sure. I'm 6 not -- I don't have anything right now. What I already 7 have right now, nothing from all those kind -- I already 8 forward all papers to my lawyer. Just I -- I don't -- 9 all -- all documents, which I already have it -- 10 MS. HARDY: Um-hmm. 11 THE WITNESS: -- and -- 12 BY MS. HARDY: 13 Q You've given all -- you've already given them all to 14 your lawyer? 15 A All of them, it was from that time, I already got 16 termination, and I decided to see what is going on 17 there. So once I -- I got the termination, I tried to 18 see Marla, and -- my lawyer, and -- 19 MS. LINDERMAN: Be careful. Don't go into 20 attorney-client privilege. 21 Can we go off the record for a second? 22 MS. HARDY: Sure. 23 THE VIDEOGRAPHER: I'm sorry. Are we going 24 off the record? 25 MS. HARDY: Yes.</p>	<p style="text-align: right;">Page 39</p> <p>1 MS. HARDY: No, no, no, no. 2 THE WITNESS: It was -- 3 MS. HARDY: My question is really simple. 4 BY MS. HARDY: 5 Q When -- when did -- 6 A I'm sorry. 7 Q -- you first call a lawyer and say, "I need some advice 8 about what I think is happening at my place of 9 employment that I've got a problem with"? 10 A It -- 11 Q When did you seek legal advice? 12 A I will let you know that. I already got a lot of advice 13 from, like, April 22nd. 14 Q April 22nd? 15 A I got -- I got a lot of advice just to go to do that. 16 They are trying -- sorry -- to trick you for something. 17 Q All right. So April 22, 2013 is when you first started 18 getting advice from a lawyer? 19 A Not from the lawyer. I got advice from my -- my -- my 20 friends around me. 21 Q Okay. 22 A They asked me just to go right away to find a lawyer. 23 There is something happened, and even you don't know how 24 much, it is serious. And it affects everybody there. 25 If you don't want to -- to be attached with them, just</p>
<p style="text-align: right;">Page 38</p> <p>1 THE VIDEOGRAPHER: Okay. We're off the record 2 at 10:22. 3 (Whereupon a break was taken 4 from 10:22 a.m. to 10:25 a.m.) 5 THE VIDEOGRAPHER: Back on the record at 6 10:25. Go ahead. 7 BY MS. HARDY: 8 Q When did you first consult legal counsel about your 9 employment problems at Walgreen's? 10 A When did I what? 11 Q First consult legal counsel about your employment 12 problems at Walgreen's. 13 MS. LINDERMAN: Well, I'm going to object to 14 the "about" part of the question. I think if you want 15 to just ask her when she talked about -- with legal 16 counsel. 17 MS. HARDY: But it has to be about this case, 18 because it's not -- otherwise, it's not -- 19 THE WITNESS: Even -- 20 MS. HARDY: -- germane. 21 THE WITNESS: Even I cannot -- I cannot -- you 22 know, it was for a long time, ma'am. I'm sorry. But 23 even I -- I don't -- I don't know what is the -- the 24 time it happened, but if you want to ask about every 25 event coming, one by one, it is coming --</p>	<p style="text-align: right;">Page 40</p> <p>1 leave them or ask for a transfer. That's what I already 2 did. On April 22nd, I asked them for transfer from -- 3 from this store. 4 Q To another Walgreen store? 5 A To another one. 6 Q Okay. When did you first contact a lawyer to ask for 7 advice? 8 A Okay. I had, like, a meeting with my supervisor. It 9 was -- ma'am, can I finish, please? 10 Q Yes. 11 A Okay. On June 28th, she said, "There is something very 12 big. I want to discuss that with you." 13 And she asked me to go there to that -- to 14 that office, and I went there. And when I went there, 15 she gave me -- she even didn't listen. 16 Q But you're getting -- 17 A Can -- can -- can -- 18 Q I know. But see, I don't need the whole story -- 19 A I wasn't -- 20 Q -- about why. 21 A -- giving -- 22 Q I'm just -- 23 A I wasn't -- 24 Q -- asking when. 25 A I will let you know that, when. Because, at this point,</p>

<p style="text-align: right;">Page 41</p> <p>1 I found that there was people in front of me supposed to</p> <p>2 sign it. And when I tried to read it, she said, "You</p> <p>3 know what, Mervat? This kind of explanation for</p> <p>4 yourself, you can explain yourself at this -- at this</p> <p>5 moment, and sign it. Just not to be threatened to be</p> <p>6 terminated."</p> <p>7 I told her, "It's okay."</p> <p>8 Okay.</p> <p>9 Q And see you're getting --</p> <p>10 A Ma'am --</p> <p>11 Q -- into much more than my question, which is just when.</p> <p>12 A It was --</p> <p>13 Q When did you first contact --</p> <p>14 A It was --</p> <p>15 Q -- a lawyer?</p> <p>16 A -- 6/28 -- between 6/28 and July 11th. I -- I --</p> <p>17 MS. LINDERMAN: Not every time. Just the</p> <p>18 first time.</p> <p>19 THE WITNESS: The first time, I already tried</p> <p>20 to get that -- the right -- the right advice. It was on</p> <p>21 July 12th.</p> <p>22 BY MS. HARDY:</p> <p>23 Q When did you first contact a lawyer about your --</p> <p>24 A July --</p> <p>25 Q -- employment issues?</p>	<p style="text-align: right;">Page 43</p> <p>1 MS. HARDY: Right, or her firm.</p> <p>2 THE WITNESS: So you want to ask about another</p> <p>3 -- another lawyer?</p> <p>4 BY MS. HARDY:</p> <p>5 Q Are there any other lawyers, other than Marla Linderman</p> <p>6 or people associated with her firm, that have been</p> <p>7 counseling you about your employment problems at</p> <p>8 Walgreen?</p> <p>9 A There was another lawyer coming, like, pharmacist lawyer</p> <p>10 -- a pharmacist lawyer, at the same time, and he knows a</p> <p>11 lot about the law for the pharmacy.</p> <p>12 Q Who was that person?</p> <p>13 A I am -- you know, I cannot remember his name. Sorry.</p> <p>14 Q And when did you consult with him?</p> <p>15 A Something like October.</p> <p>16 Q Of 2013?</p> <p>17 A Yes.</p> <p>18 Q So, now, let's go back to the documents.</p> <p>19 What documents do you have in your possession,</p> <p>20 or are in your lawyer's possession, that relate to the</p> <p>21 type of claims that you're making in this lawsuit?</p> <p>22 A Um --</p> <p>23 Q Just define the universe of documents.</p> <p>24 A The documents which I already have it, it is like</p> <p>25 documents from the doctor. He already -- something like</p>
<p style="text-align: right;">Page 42</p> <p>1 A July 12th.</p> <p>2 Q July 12th?</p> <p>3 A Yes.</p> <p>4 Q Why did you mention that you contacted someone on 6/28?</p> <p>5 Was that someone other than a lawyer?</p> <p>6 A No, 6/28, I -- I want -- I just want to -- I was</p> <p>7 threatened to be terminated.</p> <p>8 Q Okay. And we'll get to that later. You'll have a</p> <p>9 chance to tell that story. I just am focused on</p> <p>10 something that's --</p> <p>11 A The first --</p> <p>12 Q -- different right now.</p> <p>13 A The first that they -- they -- I tried to -- to reach</p> <p>14 somebody to tell me what's going on, it was on</p> <p>15 July 11th, but my lawyer gave me the number I tried to</p> <p>16 call.</p> <p>17 Q Um-hmm.</p> <p>18 A It was busy, and I couldn't reach her. I could reach</p> <p>19 her on July 12th, the next day.</p> <p>20 Q All right. And who did you contact on July 12th?</p> <p>21 A Marla Linderman.</p> <p>22 Q And has she been the only attorney with whom you've</p> <p>23 received advice -- or from whom you've received advice</p> <p>24 concerning your employment at Walgreen?</p> <p>25 MS. LINDERMAN: Or my firm.</p>	<p style="text-align: right;">Page 44</p> <p>1 prescription.</p> <p>2 Q Prescriptions for patients of Walgreen's?</p> <p>3 A Patients of Walgreen's, but without the name, without</p> <p>4 the address, without date of birth, without a telephone</p> <p>5 number.</p> <p>6 Q All right. And those are documents that you obtained</p> <p>7 from Walgreen?</p> <p>8 A Yes.</p> <p>9 Q Okay. And how did you obtain copies from Walgreen's?</p> <p>10 A They were in front of me and somebody called me -- that</p> <p>11 patient himself or herself, one of them -- she called me</p> <p>12 and she said that, "There's something wrong with you,</p> <p>13 and is supposed to sue you."</p> <p>14 And I said, "Sorry, ma'am. I -- I don't know</p> <p>15 who I'm talking, even, to."</p> <p>16 And she said, "This is blah-blah-blah-blah."</p> <p>17 Q I don't need all that background. I just need to know</p> <p>18 how you got copies --</p> <p>19 A One of them --</p> <p>20 Q -- of those documents?</p> <p>21 A -- was in front of me.</p> <p>22 Q Did you take the original?</p> <p>23 A I just got, like, a copy.</p> <p>24 Q And where did you make the copy?</p> <p>25 A When?</p>

<p style="text-align: right;">Page 45</p> <p>1 Q Where? How?</p> <p>2 A How did I get it?</p> <p>3 Q Yes.</p> <p>4 A Copied it. I printed it.</p> <p>5 Q Well, did you take a photo of it on your cell phone and</p> <p>6 then print it off of that?</p> <p>7 A You know what? Even I cannot remember. I want to tell</p> <p>8 the truth, so I don't know if I -- how I got it, with my</p> <p>9 phone or I got a copy. It is in front of me, and I can</p> <p>10 get it like print. So even I don't know which is easier</p> <p>11 for me to get it by my phone, or, like, a copy. I -- I</p> <p>12 cannot remember.</p> <p>13 Q All right. So did you --</p> <p>14 A Plus, it was from, like, more than one year it was.</p> <p>15 Q Okay.</p> <p>16 A It was for more than 14 months, so even I cannot -- I</p> <p>17 cannot remember when was that that it happened.</p> <p>18 Q All right. So sometimes you used your phone and</p> <p>19 sometimes you used a copy machine and you can't recall</p> <p>20 which --</p> <p>21 MS. LINDERMAN: Objection --</p> <p>22 MS. HARDY: -- for the documents you're</p> <p>23 speaking about now?</p> <p>24 MS. LINDERMAN: Objection. Form and</p> <p>25 foundation.</p>	<p style="text-align: right;">Page 47</p> <p>1 for an instruction, or just to make like -- like a --</p> <p>2 the -- the -- the how to do this prescription, because</p> <p>3 sometimes it's coming, like, compounding, and you wanted</p> <p>4 it -- the right way to do it, sometimes you have to ask</p> <p>5 some -- some friends in Walgreen's, and they ask you to</p> <p>6 forward this prescription to their store just to get --</p> <p>7 to give you that instruction.</p> <p>8 Q Okay.</p> <p>9 A Uh-huh.</p> <p>10 Q So let me make sure I understand.</p> <p>11 When you're -- you have a patient in front of</p> <p>12 you who needs a prescription filled, and you have a</p> <p>13 question, you have that prescription up on the screen;</p> <p>14 correct?</p> <p>15 A Yes.</p> <p>16 Q All right. And you could push a button and print a copy</p> <p>17 of that?</p> <p>18 A Yes.</p> <p>19 Q Okay. Did you do that at times?</p> <p>20 A Ma'am, believe me, I -- I cannot even remember if I</p> <p>21 already print it from the phone, or print it -- print it</p> <p>22 through the phone, or print it from my -- my -- that</p> <p>23 screen, itself. I cannot -- I cannot even remember how</p> <p>24 did I do that.</p> <p>25 Q All right. Let's take the second scenario that you</p>
<p style="text-align: right;">Page 46</p> <p>1 THE WITNESS: I'm not sure --</p> <p>2 MS. HARDY: All right.</p> <p>3 THE WITNESS: -- you know...</p> <p>4 BY MS. HARDY:</p> <p>5 Q Did -- did you use your phone, at times, to make copies</p> <p>6 of documents, pharmacy documents?</p> <p>7 A Yes. I used my phone once, um-hmm.</p> <p>8 Q Okay. And at other times, did you take documents home</p> <p>9 and copy them?</p> <p>10 A No. I didn't get any documents to home, because even</p> <p>11 you don't have to.</p> <p>12 Q What do you mean "you don't have to"?</p> <p>13 A You don't have to get a document to your home to get a</p> <p>14 copy.</p> <p>15 Q Well, what -- if -- if you weren't copying them by</p> <p>16 taking a photo with your phone, where else or how else</p> <p>17 would you get a copy of the pharmacy documents?</p> <p>18 A You -- when you get a prescription by yourself, as a</p> <p>19 pharmacist, the prescription is -- is coming, like, by</p> <p>20 your left side, and that -- that -- at that time, you</p> <p>21 wanted to -- to post it in the system with your right</p> <p>22 side.</p> <p>23 So if you ask the system to give me a copy</p> <p>24 from this one, just to forward to my supervisor or to</p> <p>25 forward to the doctor just to give me the right decision</p>	<p style="text-align: right;">Page 48</p> <p>1 mentioned. If you have the prescription up on the</p> <p>2 screen, and you decide to forward it to somebody within</p> <p>3 the Walgreen system --</p> <p>4 A Yes.</p> <p>5 Q -- so that you can get input from them on what to do or</p> <p>6 how to handle it, how -- how do you go about forwarding</p> <p>7 it? What do you do?</p> <p>8 A It's --</p> <p>9 MS. LINDERMAN: Objection to form and</p> <p>10 foundation.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: Okay. If you have the</p> <p>13 prescription, itself, in front of you, and you want to</p> <p>14 get the right -- the right way to do it, you can get the</p> <p>15 copy from -- from the screen, and forward it to that --</p> <p>16 the number of that store. If you have the fax number,</p> <p>17 just put the fax number and fax it over to them. They</p> <p>18 are going to get it.</p> <p>19 This happened a lot of times, and even I got</p> <p>20 the -- this -- this way from -- from Amy, from Vickie</p> <p>21 something. She is the -- the -- the she is the</p> <p>22 technician supervisor.</p> <p>23 MS. HARDY: Um-hmm.</p> <p>24 THE WITNESS: I think her name was Vickie.</p> <p>25 That's what I can remember. I'm sorry. I cannot</p>

<p style="text-align: right;">Page 49</p> <p>1 remember a lot about this now. And they told me from 2 the beginning I was there, I got like theoretical 3 practice. So when they sent me to that store -- and I 4 was by myself. There was no help, no technician, 5 nothing at all. That store manager doesn't know 6 anything about the pharmacy. No help there. And I 7 tried to get some help, because this coming like 8 practice. This coming like an area of life you have to 9 gather. This is theoretical about how to do it by 10 yourself.</p> <p>11 MS. HARDY: Okay. You're -- 12 THE WITNESS: It's very difficult. 13 MS. HARDY: You're getting too far afield. 14 THE WITNESS: Okay. 15 MS. HARDY: Let me ask my question again, and 16 just respond -- 17 THE WITNESS: I want -- 18 MS. HARDY: -- to my question. 19 THE WITNESS: -- to finish my -- my point, 20 please. 21 MS. HARDY: Well -- but it's not responsive to 22 the -- 23 THE WITNESS: Please -- 24 MS. HARDY: -- question. 25 THE WITNESS: Can I finish my point, please?</p>	<p style="text-align: right;">Page 51</p> <p>1 A Exactly. 2 Q -- the store manager or to the supervisor? 3 A Not -- not to one of them. Just to send it to -- to one 4 of your friends that still work in another store. 5 Q That work -- 6 A I -- 7 Q -- in -- that work in -- a pharmacy in another store? 8 A Work with Walgreen's in another store. 9 Q Right, okay. 10 A And so if you have this kind of prescription, you can 11 just fax it over to them, so they know how to deal with 12 that. They are going to call me after -- after minutes 13 and -- 14 Q Um-hmm. 15 A -- just to let me know how to go through it. 16 Q All right. So if you had a prescription on the system 17 in the pharmacy, and you wanted to send it, for 18 instance, to your supervisor, the store manager, or 19 another pharmacy in the Walgreen system, you could use 20 that fax function to -- to convey the documents? 21 A Exactly. 22 Q Do you have any documents that are either in your 23 possession, or now in your lawyer's possession, that 24 describe the events that occurred in the workplace that 25 you have placed at issue in this litigation?</p>
<p style="text-align: right;">Page 50</p> <p>1 MS. LINDERMAN: You're not -- when she asks a 2 question, you do have to answer her question. You will 3 have -- 4 THE WITNESS: I want to -- 5 MS. LINDERMAN: -- time -- the things you want 6 to say, she wants to know, but you have to let her 7 go and -- 8 THE WITNESS: I already got the written 9 instruction from two persons in Walgreen's -- 10 MS. HARDY: Okay. 11 THE WITNESS: -- how to forward those -- those -- 12 BY MS. HARDY: 13 Q Okay. That's all I want to know is how you forward a 14 prescription from the pharmacy to somebody else in the 15 Walgreen system. 16 A Through a fax. 17 Q Is there a pharmacy email that you use? 18 A Not email. It is coming, like, a fax. 19 Q But -- 20 A They didn't -- they didn't even give me an email. 21 Q Like a fax? 22 A Yes. 23 Q Oh, okay. All right. So you got the prescription up on 24 the screen, and you use a fax function to forward it, 25 for instance, to --</p>	<p style="text-align: right;">Page 52</p> <p>1 MS. LINDERMAN: Objection. Form and 2 foundation. 3 BY MS. HARDY: 4 Q Let -- and let me explain further. 5 Did you, for instance, create any notes in 6 handwriting, or on the computer, to describe things that 7 occurred that you had a problem with? 8 A Like -- like I just got, like, some -- some notes -- 9 notes from what I already have? Like experience while I 10 was there working? Like they work and I found something 11 wrong with them, and I can just put like a note for 12 myself? 13 Q Sure, yes. 14 A Yes. I can do that, yes. Whenever I found something 15 like -- like a big issue there, and I found that -- that 16 I couldn't -- I couldn't reach how to resolve this 17 issue, I said, "We can -- we can resolve it later. Can 18 you call me, ma'am?" or for the customer in front of me, 19 "Can you call me tomorrow just to resolve this issue?" 20 Most of them are welcome with that. And once 21 I got that -- the solution -- most of them coming from 22 supervisor, coming from -- the solution of this issue 23 coming from supervisor or coming from -- 24 Q Okay. Let -- let me just -- 25 A -- pharmacy manager.</p>

<p style="text-align: right;">Page 53</p> <p>1 Q Okay. 'Cause I need more description of what you're 2 talking -- 3 A Okay. 4 Q -- about. 5 All right. So while you were working at 6 Walgreen's, you wrote notes to yourself to describe or 7 memorialize things that were happening in the workplace 8 that you had a problem with? 9 A Yes, exactly. 10 And there is one in front of you, and you can 11 -- you can do that perfect job with him, I just put like 12 a note for myself, and ask -- ask that phone number for 13 my customer, and ask him, "Can you call me today at 14 noon? Can you call me at night, at this time? I'm 15 going to call you back. Give me your phone number." 16 And whenever I got any issue, just once I 17 resolved it, called back my -- my -- my customer just to 18 tell him that, "Everything's just fine," or "I couldn't 19 do anything. Can you come in to get your prescription 20 back?" 21 Q Did you keep any notes about problems you had with 22 Donna Spencer? 23 A Notes what happened with Donna Spencer? 24 Q Did you keep any notes about the problems you had with 25 Donna --</p>	<p style="text-align: right;">Page 55</p> <p>1 MS. HARDY: -- sorry. 2 MS. LINDERMAN: Yeah, I was going to -- 3 MS. HARDY: Walgreen's. 4 MS. LINDERMAN: They all have walls. 5 MS. HARDY: It's very different. All right. 6 Let me strike that. 7 BY MS. HARDY: 8 Q Did you create any kind of notes about complaints you 9 have about things that employees of Walgreen's said or 10 did? 11 MS. LINDERMAN: Objection to form and 12 foundation. 13 THE WITNESS: No. I did -- what -- you know 14 what? When something happened like this, I -- I just 15 forward, like, email to -- to my supervisor. That's it. 16 BY MS. HARDY: 17 Q Okay. All right. Did you keep copies of all emails of 18 that nature? 19 A You know, I have, like, more than something like 34 20 emails between me and my supervisor. 21 Q Okay. And do you have -- do you -- do you have 22 electronic copies of all of those still? 23 A Yes. 24 Can I finish my point, please? 25 Q Sure.</p>
<p style="text-align: right;">Page 54</p> <p>1 A I -- I -- 2 Q -- Spencer -- 3 A -- don't -- 4 Q -- or complaints you had with her? 5 A I don't -- the complaint between me and Donna Spencer, 6 it was -- she already jotted down and gave it to me. 7 Q No. Did you keep any -- 8 A Yes. 9 Q -- notes? 10 A She gave it to me hand by hand. 11 Q No, no. I'm talking about notes you create. 12 Did you create any notes about things that 13 Donna Spencer did that you have a complaint about? Did 14 or said. 15 A No, no. I don't have anything. She already -- I 16 created by myself? No. 17 Q All right. Did you create any notes about anything that 18 was said or done by anyone at Walmart [sic] that you 19 have a complaint about? I'm not talking about 20 customers. I'm talking about -- 21 A What about Walmart? 22 Q -- employees of Walmart. 23 MS. LINDERMAN: Object to form and -- 24 MS. HARDY: Or, I'm -- 25 MS. LINDERMAN: -- foundation.</p>	<p style="text-align: right;">Page 56</p> <p>1 A Okay. From the -- the beginning, I was -- I was 2 emailing my supervisor like -- like, from my personal 3 email. Okay. 4 Q Um-hmm. 5 A And I just did that like -- like 20 times or something. 6 More than 20 times. Something around 30 times. And -- 7 and after like -- like by the beginning of March -- or 8 not March, maybe after March, that -- that Donna -- not 9 Donna -- Amanda, the store manager, she asked me, 10 "Mervat, do you open your email with Walgreen's?" 11 I told her, "You know what, Amanda, even I 12 don't know that I have emails with Walgreen's. No one 13 even told me how to open it." 14 She said -- 15 Q Okay. You're getting far afield now. 16 A Okay. 17 Q Okay. 18 A Sorry. 19 Q That's not responsive. 20 I simply want to know whether or not you have 21 any kind of notes, either handwritten or recorded on the 22 computer, that document or memorialize the complaints 23 you have about what people did at Walgreen's. 24 A What -- 25 MS. LINDERMAN: Objection to form and</p>

<p style="text-align: right;">Page 57</p> <p>1 foundation.</p> <p>2 THE WITNESS: Can I answer?</p> <p>3 MS. LINDERMAN: Yes, you can answer, unless I</p> <p>4 tell you not to.</p> <p>5 THE WITNESS: Okay. Something like I already</p> <p>6 create with Walgreen's? No, I don't have it. That --</p> <p>7 that document, which I already have it and she give it</p> <p>8 to me, and she by -- by -- by order, "Just keep it with</p> <p>9 you in your purse."</p> <p>10 And because my purse is not in the pharmacy,</p> <p>11 itself, and I give -- always I kept it in that -- in</p> <p>12 that -- in that lunchroom, she told me, "Just put it in</p> <p>13 your -- in your pocket, and after that put it in your</p> <p>14 purse, after you're done with your day."</p> <p>15 And this -- what -- I already got it hand by</p> <p>16 hand.</p> <p>17 BY MS. HARDY:</p> <p>18 Q What are you referring to?</p> <p>19 A About what I am talking about?</p> <p>20 Q Yes. What documents are you referring to that you put</p> <p>21 in your purse?</p> <p>22 A Okay. About -- about my schedule.</p> <p>23 Q Anything other than documents about your schedule?</p> <p>24 A The plan she put every week.</p> <p>25 Q The --</p>	<p style="text-align: right;">Page 59</p> <p>1 in some other fashion?</p> <p>2 MS. LINDERMAN: If there -- if she's Yahoo,</p> <p>3 then they're stored as documents. That's my objection.</p> <p>4 MS. HARDY: Okay.</p> <p>5 BY MS. HARDY:</p> <p>6 Q Well, there -- are all the documents that you have</p> <p>7 access to, electronically, documents that you'd have to</p> <p>8 obtain through your Yahoo account?</p> <p>9 A Yes.</p> <p>10 Q All right. And you have everything that you sent on</p> <p>11 your Yahoo account to various people within the</p> <p>12 Walgreen's system, but for one document?</p> <p>13 A No. I didn't get that point at all.</p> <p>14 Q All right. You said there was one document you didn't</p> <p>15 have. Which document is that?</p> <p>16 A This one was, like, something like email I already did</p> <p>17 and emailed two people at the same time. One of them</p> <p>18 was my supervisor, and the other one -- he was</p> <p>19 Mr. Jeremy Willis, I think. That's what I can remember.</p> <p>20 I'm sorry. I cannot really remember the name, but</p> <p>21 something like Jeremy Willis.</p> <p>22 Q Okay.</p> <p>23 A And I --</p> <p>24 Q Jeremy Willis?</p> <p>25 A That's what I -- yeah.</p>
<p style="text-align: right;">Page 58</p> <p>1 A Plan for the pharmacy.</p> <p>2 Q The schedule?</p> <p>3 A Not the schedule. Plan.</p> <p>4 Q What kind of plan?</p> <p>5 A You have to do this, and I have to do that. The</p> <p>6 technician has to do this.</p> <p>7 Q All right. What other documents from Walgreen did --</p> <p>8 were in your purse?</p> <p>9 A Nothing.</p> <p>10 Q Do you have electronic copies of all emails that you</p> <p>11 sent to employees at Walgreen's?</p> <p>12 A Yes.</p> <p>13 Q Okay. What --</p> <p>14 A Except --</p> <p>15 Q -- computer are --</p> <p>16 A Except one.</p> <p>17 Q -- they stored on?</p> <p>18 A Except one.</p> <p>19 Q What computer are the documents that you do have stored</p> <p>20 on?</p> <p>21 A My --</p> <p>22 MS. LINDERMAN: Objection. Form and</p> <p>23 foundation.</p> <p>24 BY MS. HARDY:</p> <p>25 Q Or are they not -- are they stored on a disc or some --</p>	<p style="text-align: right;">Page 60</p> <p>1 And I already forward this email for both of</p> <p>2 them. I already did this before from my personal email.</p> <p>3 I already did that, like, two or three days before for</p> <p>4 both of them, and I said that I care about Walgreen's,</p> <p>5 number 1. And all over the state, coming to see the</p> <p>6 documents, there is something wrong. And I -- I didn't</p> <p>7 get any answer. So when I found, myself, that I am in a</p> <p>8 very big risk just to let them know that that document,</p> <p>9 as example, that document there is very, very serious</p> <p>10 and we cannot do anything with that.</p> <p>11 I just give them that -- that -- like -- like</p> <p>12 attachment to them. Please, look at those and tell me</p> <p>13 with which one is supposed to go with you, or with the</p> <p>14 law? And if the law just for you, I want a paper of the</p> <p>15 law for you guys.</p> <p>16 Q Okay. All right. What documents do you have, or does</p> <p>17 your lawyer have, other than documents that came off of</p> <p>18 your Yahoo account?</p> <p>19 MS. LINDERMAN: I'm going to object to form</p> <p>20 and foundation.</p> <p>21 THE WITNESS: All -- all paper? I cannot</p> <p>22 remember all documents if she already have it right now.</p> <p>23 I -- I don't know.</p> <p>24 BY MS. HARDY:</p> <p>25 Q What category of documents?</p>

<p style="text-align: right;">Page 61</p> <p>1 A Category of documents coming, like, one of them, it is 2 the -- like the -- the hard copies she already booked in 3 advance, like something like Control 2 in advance, like 4 nine days before that time we already processed these 5 prescriptions. And other stuff -- and it was with his 6 -- with her handwritten, I gave four tablets. I gave 7 five tablets, and this is my initial, and this is the 8 date of which I already did. Perfect. I didn't see 9 that. Perfect. 10 I didn't see anything like this, because -- 11 because, even, she is a supervisor before, and I don't 12 know if it is okay or not. So I processed this 13 prescription at the time it was supposed to be done, and 14 the -- the -- the customer called me in the morning and 15 he said, "This is blah-blah-blah, and I want my 16 prescription today. Can you process?" 17 I processed this prescription with the right 18 quantity with everything just fine, and both -- all -- 19 all kind of right stuff with this prescription, and 20 labeled it and put it there. But when I tried to put 21 the label over this -- over -- over that -- that 22 medication on the hard copy, I found something very 23 weird that this patient, he already got four tablets for 24 no charge. 25 This is my -- my -- my initial, and this is my</p>	<p style="text-align: right;">Page 63</p> <p>1 A Okay. 2 Q Okay. 3 A Sorry. 4 Q You will get a chance to explain all of these issues 5 that -- 6 MS. LINDERMAN: She's trying to tell you the 7 documents she gave me. 8 MS. HARDY: I know, but that -- that's a 9 really long explanation -- 10 THE WITNESS: I'm sorry. 11 MS. HARDY: -- about -- 12 THE WITNESS: I'm so -- 13 MS. HARDY: -- the documents. 14 THE WITNESS: I'm sorry. 15 BY MS. HARDY: 16 Q So what's the document that -- that -- that you -- 17 A I just -- 18 Q -- gave your lawyer -- 19 A I just -- 20 Q -- related to that incident? What -- just describe the 21 document. 22 A The document coming like -- like a copy, photocopy, from 23 that prescription with that -- that -- that -- the 24 handwritten, she -- 25 Q Um-hmm.</p>
<p style="text-align: right;">Page 62</p> <p>1 -- my -- the time I write it up. And this coming like 2 -- so as a pharmacist, now, what I have to do? I 3 already put the right -- the right quantity was written 4 in the -- with the hard copy. Which one is supposed to 5 go? Just to get, like, four tablets? This kind of 6 Control 2, we cannot postulate. So what I have to do to 7 deal with that? 8 I just left it, finally, and called the 9 customer, and I asked him, "Sir, there's something wrong 10 with your prescription, and I'm going just to leave it 11 until my manager, when she come in, and -- around this 12 -- time. Can you call me, at this time, please, after I 13 get everything okay?" 14 He said, "Are you a new pharmacist there?" 15 I told him, "No." 16 He said, "I think I already have seen you 17 before." 18 "Yes, sir." 19 "By the way, I just want to tell you that your 20 manager is -- is something like first cousin, or 21 something like that, and I am coming just to see her in 22 afternoon." 23 Q You know, you're very, very far afield -- 24 A Okay. 25 Q -- with the question I asked.</p>	<p style="text-align: right;">Page 64</p> <p>1 A -- already put it there, and with -- with that -- it's 2 something like -- that's it. That's what I -- 3 Q All right. 4 A -- can remember. 5 Q All right. So how did you get a copy of that document? 6 A I cannot remember. Believe me. I cannot remember. I 7 -- for the one I already sent to -- to Willis, and to my 8 supervisor, it -- it was something like -- like a 9 picture. I just got it with my phone. 10 Q Um-hmm. 11 A I just put it and get a copy. But after this, how did I 12 get it? I don't know. I'm sorry. 13 Q How did you send it to your lawyer? 14 A I -- I have seen her, like, on July 15th or something, 15 and I told her about the document there, and she told 16 me -- 17 MS. LINDERMAN: That's where -- 18 MS. HARDY: Let me -- 19 MS. LINDERMAN: -- you stop. 20 BY MS. HARDY: 21 Q Did -- did you -- did you give her a copy on July 15, 2013, 22 of the pharmacy document? 23 MS. LINDERMAN: Do you remember which day? 24 THE WITNESS: Maybe -- July 15th, maybe, like 25 days after. I'm not sure with that.</p>

<p style="text-align: right;">Page 65</p> <p>1 BY MS. HARDY:</p> <p>2 Q Did you give her a hard copy or an electronic --</p> <p>3 A I give --</p> <p>4 Q -- copy?</p> <p>5 A I give her -- I give her that -- that document which I</p> <p>6 already have. All documents.</p> <p>7 Q Did you give her a hard copy piece of paper, or an</p> <p>8 electronic copy of the document?</p> <p>9 A Piece of paper, yes.</p> <p>10 Q Okay.</p> <p>11 A Piece of paper.</p> <p>12 Q And you don't recall how you got that piece of paper</p> <p>13 from the system?</p> <p>14 MS. LINDERMAN: I'm going to object to form</p> <p>15 and foundation since there's more than one document.</p> <p>16 BY MS. HARDY:</p> <p>17 Q Or pieces of paper?</p> <p>18 A I don't have the -- the answer --</p> <p>19 Q All right.</p> <p>20 A -- for that. I'm sorry.</p> <p>21 Q All right. Have you ever made a voice recording of</p> <p>22 anybody at Walgreen?</p> <p>23 A A voice recording?</p> <p>24 Q Yes.</p> <p>25 A No. They leave it, like, a lot of voice messages, but I</p>	<p style="text-align: right;">Page 67</p> <p>1 Q Okay. All right. Do you have copies of voicemail</p> <p>2 recordings that were left in the pharmacy?</p> <p>3 A After left from the pharmacy?</p> <p>4 Q That were left in the pharmacy.</p> <p>5 MS. LINDERMAN: Objection to form and</p> <p>6 foundation.</p> <p>7 I don't understand your question.</p> <p>8 THE WITNESS: I'm sorry. I didn't get that.</p> <p>9 BY MS. HARDY:</p> <p>10 Q All right. You state in response to document request</p> <p>11 number 1 that:</p> <p>12 Plaintiff has a couple of phone messages.</p> <p>13 What phone messages do you have?</p> <p>14 A I have one of them, she already left it to me on -- on</p> <p>15 May 29th or 28th. I'm sorry.</p> <p>16 Q Who -- who left it on May 29th?</p> <p>17 A My manager. My pharmacy manager.</p> <p>18 Q Donna Spencer?</p> <p>19 A Yes.</p> <p>20 Q And what is the content of that message? What did she</p> <p>21 say?</p> <p>22 A As usual she's trying to -- to mess up my schedule, and</p> <p>23 she left it, like, a message around ten o'clock or</p> <p>24 something, and she asked me to be there around</p> <p>25 twelve o'clock.</p>
<p style="text-align: right;">Page 66</p> <p>1 never called --</p> <p>2 Q Let's put aside voice messages that are left that you</p> <p>3 have copies of. We'll go to that next.</p> <p>4 But have you ever recorded --</p> <p>5 A No.</p> <p>6 Q -- anybody at Walgreen's?</p> <p>7 A No.</p> <p>8 You know what? Just to be 100 percent on</p> <p>9 this, one of the pharmacists, she was working with</p> <p>10 Walgreen's, she told me to try to record that -- that</p> <p>11 insult -- all insults that you got every day. You have</p> <p>12 to keep that with you.</p> <p>13 But you know what? I don't know how to do</p> <p>14 that even. And you know what? I can't get something --</p> <p>15 I can't get something without your permission to give it</p> <p>16 to me. If you get me a piece of paper, and you said --</p> <p>17 Q If the --</p> <p>18 A -- keep it --</p> <p>19 Q If the answer's "no," that's --</p> <p>20 A No.</p> <p>21 Q -- all I need to hear.</p> <p>22 A No.</p> <p>23 Q Okay.</p> <p>24 A I don't have it. I -- I don't know how to use it like</p> <p>25 this.</p>	<p style="text-align: right;">Page 68</p> <p>1 "I'm so sorry for that. I'm supposed to tell</p> <p>2 you a little -- a little bit before, but I just got -- I</p> <p>3 just -- I just remembered that right now. They're</p> <p>4 coming -- coming today before twelve -- I -- because I</p> <p>5 have to leave the pharmacy. I have another appointment</p> <p>6 with the -- to get my alcohol -- alcohol class, because</p> <p>7 this was expired. Call me once you hear this message."</p> <p>8 I hear the message, like, 12 minutes before</p> <p>9 12, because I -- it was closed. My -- my -- my -- my</p> <p>10 phone, it was -- it was shut down. And -- and when I</p> <p>11 opened it, I found something like message. I got it. I</p> <p>12 called her, "I'm so sorry, ma'am. I got -- I just -- I</p> <p>13 got your message. Can you -- can you just wait for me</p> <p>14 like -- like minutes before going there?"</p> <p>15 Q Okay. So you've described the May 29th message from</p> <p>16 Donna Spencer --</p> <p>17 A Yes.</p> <p>18 Q -- that you have a copy of?</p> <p>19 A Yes.</p> <p>20 Q And where -- where do you have a copy of that message?</p> <p>21 A Sorry?</p> <p>22 Q Where is that message? Is it on your home --</p> <p>23 A Here in the phone.</p> <p>24 Q It's on -- it's on your iPhone?</p> <p>25 A Yeah.</p>

<p style="text-align: right;">Page 69</p> <p>1 Q That's an iPhone? Or, no, Samsung --</p> <p>2 MS. LINDERMAN: Samsung.</p> <p>3 MS. HARDY: -- right?</p> <p>4 MS. LINDERMAN: Android.</p> <p>5 BY MS. HARDY:</p> <p>6 Q So it's on your Android Samsung phone?</p> <p>7 A Hmm?</p> <p>8 Q The voice recording.</p> <p>9 A Um-hmm.</p> <p>10 Q It's stored on there currently; correct?</p> <p>11 A Um-hmm.</p> <p>12 Q Yes?</p> <p>13 A Yes.</p> <p>14 Q Okay. Do you have any other voice messages that are</p> <p>15 stored on your cell phone --</p> <p>16 A There is some --</p> <p>17 Q -- or any other recording device?</p> <p>18 A There is another one from Amy Spencer [sic]. It was on</p> <p>19 July 12th. I'm -- I'm sorry. I don't know what is that</p> <p>20 contact there.</p> <p>21 Q Was it -- do you know what it was about?</p> <p>22 MS. LINDERMAN: She said "Amy Spencer," which</p> <p>23 means she's confused.</p> <p>24 THE WITNESS: Amy -- Amy Yadmark. Sorry.</p> <p>25 Amy Yadmark.</p>	<p style="text-align: right;">Page 71</p> <p>1 A Mr. Fletcher is my store manager. But this one who left</p> <p>2 the voice message, whenever he needs help, he couldn't</p> <p>3 find it with any other one. He just called me and I'm</p> <p>4 trying my best to be there.</p> <p>5 Q Do you have any other phone messages?</p> <p>6 A No.</p> <p>7 Q So you only have four phone messages? One from</p> <p>8 Donna Spencer. One from Amy Yadmark. One from Susan.</p> <p>9 A Two from Susan.</p> <p>10 Q Two from Susan, okay.</p> <p>11 And then one from a store manager in</p> <p>12 Waterford?</p> <p>13 A Yes. I can't remember his name.</p> <p>14 Q And you don't have any other voice recordings of any</p> <p>15 kind?</p> <p>16 A No.</p> <p>17 Q Do you have photos of any other Walmart documents --</p> <p>18 A Walgreen's.</p> <p>19 Q Or Walgreen's. I'm sorry.</p> <p>20 Do you have photos of any other Walgreen</p> <p>21 documents on your cell phone, other than the ones of the</p> <p>22 prescriptions that you've previously testified about?</p> <p>23 MS. LINDERMAN: Objection to form and</p> <p>24 foundation.</p> <p>25 THE WITNESS: I wanted to -- to tell about the</p>
<p style="text-align: right;">Page 70</p> <p>1 BY MS. HARDY:</p> <p>2 Q Do you know what the -- the -- the general subject</p> <p>3 matter was of her message?</p> <p>4 A She suspended me, like, a day before. And she told me,</p> <p>5 "I'm going to call you one day after," and she said</p> <p>6 something -- I'm sorry. I cannot remember. Even I</p> <p>7 didn't hear it for a long time. But it is still there,</p> <p>8 and -- and what again?</p> <p>9 And there is another two -- two voice</p> <p>10 messages. One of them came from Susan Debrowsky and</p> <p>11 she's trying to reach me. There was another one on</p> <p>12 August 3rd or something. It was from our store manager.</p> <p>13 He respect me a lot. I already worked with him.</p> <p>14 And he didn't hear about my termination. He</p> <p>15 asked me to go to help him, as usual, because every time</p> <p>16 he's asking for help, I -- I go there.</p> <p>17 Q You're referring to Todd Lyle?</p> <p>18 A Sorry?</p> <p>19 Q Todd. Or Ted, I'm sorry. Ted Fletcher?</p> <p>20 A No. This -- this store manager, he was on other floor.</p> <p>21 I'm sorry. I cannot remember that number -- that store</p> <p>22 number, but he was on other floor.</p> <p>23 Q So it wasn't the manager at the store where you worked</p> <p>24 in -- at the end of your employment? It wasn't that</p> <p>25 store manager?</p>	<p style="text-align: right;">Page 72</p> <p>1 one. I'm -- I'm going to repeat it now. I told you I</p> <p>2 have all emails from between me and Amy. Just one, I</p> <p>3 don't have it. Why you don't have it? Because the time</p> <p>4 I already sent it to them, it is coming very serious</p> <p>5 one, and they called me, like, after, and they ask my --</p> <p>6 my supervisor asked me to delete it right away. And I</p> <p>7 told her, "One, I sent it to you, ma'am, and, two, I</p> <p>8 sent it to Mr. Willis. I already deleted. So, even, I</p> <p>9 don't know how to get it again.</p> <p>10 BY MS. HARDY:</p> <p>11 Q I'm not asking about emails right now. I'm asking about</p> <p>12 photos that you took with your cell phone.</p> <p>13 A Because of -- there's no email, so there's no photos.</p> <p>14 The only thing, which I already have it, it was</p> <p>15 something like a copy from the prescription, which I</p> <p>16 already forwarded to my -- my managers.</p> <p>17 Q Um-hmm.</p> <p>18 A And after that, I deleted just to get some attention. I</p> <p>19 -- I tried, like, several times to email all of them.</p> <p>20 Please, one minute from you guys. One minute from me --</p> <p>21 from you. But because they are so busy, and still busy,</p> <p>22 I couldn't get any attention without the document.</p> <p>23 Q When do you claim you deleted the photos of the pharmacy</p> <p>24 records off of your cell phone?</p> <p>25 MS. LINDERMAN: I'm going to object to form</p>

<p style="text-align: right;">Page 73</p> <p>1 and foundation.</p> <p>2 You keep saying "photos," and she keeps saying</p> <p>3 photo, so we need to -- that's a problem.</p> <p>4 BY MS. HARDY:</p> <p>5 Q How many photos did you take of pharmacy records?</p> <p>6 A I am not sure how -- if I got, like, a photo with my</p> <p>7 cell phone? That's what you want? From where did you</p> <p>8 get the hard copies?</p> <p>9 MS. LINDERMAN: No. How --</p> <p>10 MS. HARDY: No.</p> <p>11 MS. LINDERMAN: How many?</p> <p>12 MS. HARDY: How many --</p> <p>13 MS. LINDERMAN: She said --</p> <p>14 MS. HARDY: -- photos --</p> <p>15 MS. LINDERMAN: -- "How many?"</p> <p>16 MS. HARDY: -- did you take?</p> <p>17 THE WITNESS: I -- I cannot remember.</p> <p>18 BY MS. HARDY:</p> <p>19 Q Okay. When did you -- have you deleted all the</p> <p>20 photos --</p> <p>21 A All the --</p> <p>22 Q -- the pharmacy records off of --</p> <p>23 A Once --</p> <p>24 Q -- your --</p> <p>25 A Once --</p>	<p style="text-align: right;">Page 75</p> <p>1 pharmacy records off of your cell phone?</p> <p>2 MS. LINDERMAN: Objection to form and</p> <p>3 foundation.</p> <p>4 THE WITNESS: Oh, my gosh. I don't know. The</p> <p>5 one which I already -- 100 percent, that I already</p> <p>6 deleted, once I just sent it and I got the confirmation</p> <p>7 that it was sent, it was on 6/23 or 6/24. That's what</p> <p>8 I'm 100 percent that I already sent it. Once I got the</p> <p>9 confirmation that they already -- they got that -- that</p> <p>10 prescription, or they got my document, I deleted at</p> <p>11 once. That's what I can confirm about it.</p> <p>12 BY MS. HARDY:</p> <p>13 Q How did you get confirmation they got your document?</p> <p>14 A It is saying, like, "sent." Sent. If you email</p> <p>15 somebody, they come back to you "sent."</p> <p>16 Q You get a message back on your phone saying "sent"?</p> <p>17 A Something like this. I'm not sure what -- what can --</p> <p>18 but something like "sent," or I'm not sure what is the</p> <p>19 -- the -- the right thing. I got it through -- through</p> <p>20 this. But I got that they already got it.</p> <p>21 Q All right. Why would you take a photo of a prescription</p> <p>22 with your cell phone, rather than just send it to a</p> <p>23 Walgreen supervisor through the fax function?</p> <p>24 MS. LINDERMAN: Objection. Form and</p> <p>25 foundation.</p>
<p style="text-align: right;">Page 74</p> <p>1 Q -- cell phone?</p> <p>2 A Yes. I just --</p> <p>3 Q Just -- just answer the question.</p> <p>4 A This --</p> <p>5 Q Yes?</p> <p>6 MS. LINDERMAN: Yes or no?</p> <p>7 MS. HARDY: Yes or --</p> <p>8 THE WITNESS: No.</p> <p>9 MR. HARDY: -- no?</p> <p>10 THE WITNESS: No. I don't have any.</p> <p>11 MS. LINDERMAN: So the answer is "yes"?</p> <p>12 MS. HARDY: My -- see, you -- you've got to</p> <p>13 stop and let me finish my question --</p> <p>14 THE WITNESS: Okay.</p> <p>15 MS. HARDY: -- because you're not even hearing</p> <p>16 the question before you start to respond.</p> <p>17 THE WITNESS: Okay.</p> <p>18 MS. HARDY: And your lawyer just made a good</p> <p>19 point. I asked you if you deleted them all, and the</p> <p>20 answer is "yes," and instead you're answering "no,"</p> <p>21 because you're not paying attention.</p> <p>22 THE WITNESS: I don't have any copies. Yes, I</p> <p>23 don't -- I deleted all of them.</p> <p>24 BY MS. HARDY:</p> <p>25 Q All right. When did you delete the photos of the</p>	<p style="text-align: right;">Page 76</p> <p>1 THE WITNESS: First of all, because I don't</p> <p>2 have the fax number.</p> <p>3 BY MS. HARDY:</p> <p>4 Q You didn't --</p> <p>5 A I don't -- I don't --</p> <p>6 Q On June 23rd or 24th you did not have the fax number?</p> <p>7 A I don't have the fax number from -- for any of -- for</p> <p>8 Mr. Willis. What I already have for both of them, and</p> <p>9 they sent a lot of emails, and I sent back to them</p> <p>10 emails. It's coming, like, through my personal email.</p> <p>11 That's it. That's what I -- and their -- their email</p> <p>12 through the -- Walgreen, I think, yes.</p> <p>13 Q Why didn't you obtain the fax number so that you could</p> <p>14 send them the prescription that was at issue through the</p> <p>15 fax system within Walgreen, as opposed to taking a photo</p> <p>16 of a prescription with your personal cell phone?</p> <p>17 MS. LINDERMAN: Objection. Form and</p> <p>18 foundation. You can answer.</p> <p>19 THE WITNESS: Okay. That -- that's what I</p> <p>20 told you before. That's --</p> <p>21 BY MS. HARDY:</p> <p>22 Q Why didn't you obtain the fax number --</p> <p>23 A I didn't --</p> <p>24 MS. LINDERMAN: She was trying to answer, I</p> <p>25 think.</p>

<p style="text-align: right;">Page 77</p> <p>1 BY MS. HARDY:</p> <p>2 Q -- so that you could fax the document through the</p> <p>3 Walgreen's system, rather than take a photo with your</p> <p>4 personal cell phone?</p> <p>5 A Exactly.</p> <p>6 MS. LINDERMAN: Hold on. Objection. Form and</p> <p>7 foundation.</p> <p>8 THE WITNESS: Okay. The fax number is easy</p> <p>9 just to get it right away, but there's something, like,</p> <p>10 I already emailed them, like, two days before. I tried</p> <p>11 to get attention just to come -- somebody to email me,</p> <p>12 or even tell me how to send it, or even come by yourself</p> <p>13 just to see if it is serious or not, and I didn't get</p> <p>14 any kind of attention.</p> <p>15 BY MS. HARDY:</p> <p>16 Q You're not answering my question, which is:</p> <p>17 Why didn't you get the fax number for Amy, so</p> <p>18 that you could --</p> <p>19 A That --</p> <p>20 Q -- use a proper way of getting the document to her,</p> <p>21 rather than using your cell phone to take photos of</p> <p>22 pharmacy records?</p> <p>23 MS. LINDERMAN: Objection. Form and</p> <p>24 foundation. You can answer.</p> <p>25 THE WITNESS: First of all, I didn't want to</p>	<p style="text-align: right;">Page 79</p> <p>1 technician has something like some issues with that --</p> <p>2 that -- with her, and I don't want to encourage her to</p> <p>3 -- to do something like this.</p> <p>4 I don't want her to -- she told me, from the</p> <p>5 beginning, she told me that there's a lot of this stuff.</p> <p>6 Even she didn't see it before with any other</p> <p>7 pharmacists. There's a lot of this stuff, even I can't</p> <p>8 imagine. I just stopped her, and --</p> <p>9 BY MS. HARDY:</p> <p>10 Q Who are -- who are you talking about right now?</p> <p>11 A Technician.</p> <p>12 Q Who? What's her name?</p> <p>13 A Her name is Janet.</p> <p>14 (Clarification by reporter.)</p> <p>15 MS. LINDERMAN: Janet.</p> <p>16 BY MS. HARDY:</p> <p>17 Q Janet?</p> <p>18 A Yes.</p> <p>19 Q And -- and -- and what position did she hold?</p> <p>20 A Technician.</p> <p>21 Q In -- in the pharmacy?</p> <p>22 A Yes.</p> <p>23 Q So what does sending a fax to Amy or to Ted Fletcher</p> <p>24 have to do with Janet?</p> <p>25 A I don't -- I didn't want somebody just to see this</p>
<p style="text-align: right;">Page 78</p> <p>1 get, like, a print from that -- that -- that, or I don't</p> <p>2 know what I have to do. It's supposed to get, like, a</p> <p>3 print from the system, itself, to get a copy from the</p> <p>4 prescription, or you can get the hard copy, itself, and</p> <p>5 make, like, photocopy, and after that you fax it over to</p> <p>6 them. Yes, you can do that.</p> <p>7 But there's something -- the first point that</p> <p>8 -- at this day, Mr. Fletcher was there the whole day,</p> <p>9 because it was a crazy, crazy day.</p> <p>10 BY MS. HARDY:</p> <p>11 Q You're not answering my question --</p> <p>12 A Ma'am --</p> <p>13 Q -- which is:</p> <p>14 Why didn't you get the fax number so that you</p> <p>15 could send the document in question through a fax,</p> <p>16 rather than make a photo with your personal cell phone --</p> <p>17 MS. LINDERMAN: I object --</p> <p>18 MS. HARDY: -- of pharmacy records?</p> <p>19 MS. LINDERMAN: Objection to form and</p> <p>20 foundation.</p> <p>21 I think she is trying to answer your question.</p> <p>22 She's trying to explain the days and circumstances.</p> <p>23 THE WITNESS: First of all, I didn't want</p> <p>24 Mr. Fletcher to see it. I didn't want the technician to</p> <p>25 see this kind of -- of -- of prescription. Because the</p>	<p style="text-align: right;">Page 80</p> <p>1 stuff. First of all, to get the fax number for that --</p> <p>2 for my supervisor, or for Mr. Willis, you're supposed to</p> <p>3 -- to get it -- call that district just to get the fax</p> <p>4 number. I don't -- you know, she was there the whole</p> <p>5 time, and she was working hand by hand. She was by me.</p> <p>6 And Mr. Fletcher was by me, also. Both of them, they</p> <p>7 work there, and I don't -- any one of them -- just to</p> <p>8 see that those going to Ms. -- Ms. Amy, or Mr. Willis.</p> <p>9 I don't -- that's what I -- I couldn't do it</p> <p>10 in front of them. But anyway, I tried to tell that</p> <p>11 there's something wrong.</p> <p>12 "I already emailed you before and told you</p> <p>13 that there is some issues. If these two prescriptions,</p> <p>14 not issues, can you tell me? Can you show me? Can you</p> <p>15 tell me if it goes with the law or not?"</p> <p>16 Q See, you're getting way far afield. I -- I just wanted</p> <p>17 to know why you didn't get the --</p> <p>18 A That's --</p> <p>19 Q -- fax number.</p> <p>20 A This is --</p> <p>21 Q And --</p> <p>22 A -- my answer.</p> <p>23 Q All right. And -- and you've completed your answer?</p> <p>24 A Yes.</p> <p>25 Q All right. Why didn't you just make a hard copy in the</p>

<p style="text-align: right;">Page 81</p> <p>1 pharmacy and hand it to Amy, or hand it to Mr. Fletcher?</p> <p>2 A Fletcher? I don't want Mr. Fletcher to get it.</p> <p>3 Q Well, Mr. Fletcher was the store manager; correct?</p> <p>4 A Yes. But this is a pharmacy issue.</p> <p>5 Q All right. So who did you want to have copies of -- of</p> <p>6 the prescriptions that you thought were problematic?</p> <p>7 A Supervisor and loss prevention supervisor.</p> <p>8 Q All right. So you wanted Amy Yadmark to have a copy?</p> <p>9 A Yes.</p> <p>10 Q And you wanted who else? Which person with loss</p> <p>11 prevention?</p> <p>12 A Loss prevention supervisor, Mr. Jeremy.</p> <p>13 Q Mr. Willis?</p> <p>14 A Yes.</p> <p>15 Q Okay. So why didn't you just make copies of the</p> <p>16 documents and then hand them to Amy or to Jeremy?</p> <p>17 A I didn't see him a lot.</p> <p>18 Q Well --</p> <p>19 A I couldn't -- I couldn't reach any one of them. The</p> <p>20 only way to reach any one of them, is just to email</p> <p>21 them, and maybe after that they are going to email me</p> <p>22 back.</p> <p>23 Q Why didn't you tell them in an email, "I've made a copy</p> <p>24 of the documents, in question, and I want you to look at</p> <p>25 them" --</p>	<p style="text-align: right;">Page 83</p> <p>1 and she called me, "Mervat, did you delete this</p> <p>2 prescription from your phone, yet?"</p> <p>3 And she asked me, "Did you -- did you -- this</p> <p>4 is nothing in -- with your phone?"</p> <p>5 "No."</p> <p>6 And she told me, "This is something, like, a</p> <p>7 HIPAA violation. You can come into my district</p> <p>8 tomorrow. Would you like this?"</p> <p>9 And at this -- at this meeting, she told me</p> <p>10 that there is a -- "I'm sorry to tell you that maybe you</p> <p>11 -- we are going to -- to terminate you. According to</p> <p>12 the policy with Walgreen's, you're supposed not to be</p> <p>13 here anymore, and" --</p> <p>14 But she said that, "We -- let me -- for a</p> <p>15 while -- just ask my lawyer to -- to see what can we do</p> <p>16 with you."</p> <p>17 And I told you -- her, "It's okay for that.</p> <p>18 What I have to do with my schedule? Supposed to go with</p> <p>19 it? I'm not?"</p> <p>20 And she told me that, "Yes, you can go with</p> <p>21 your -- your -- your schedule. Just work as usual,</p> <p>22 until I'm going to call you to tell you what's coming</p> <p>23 up."</p> <p>24 And on July 8th, she called me around</p> <p>25 two o'clock and she was --</p>
<p style="text-align: right;">Page 82</p> <p>1 A Maybe I --</p> <p>2 MS. LINDERMAN: Objection to --</p> <p>3 THE WITNESS: -- mentioned --</p> <p>4 MS. LINDERMAN: -- form.</p> <p>5 MS. HARDY: -- rather than send a copy over</p> <p>6 the Internet to them and make copies with your personal</p> <p>7 cell phone --</p> <p>8 MS. LINDERMAN: Objection --</p> <p>9 MS. HARDY: -- of confidential pharmacy</p> <p>10 records?</p> <p>11 MS. LINDERMAN: Objection to form and</p> <p>12 foundation.</p> <p>13 THE WITNESS: Maybe before that -- two days</p> <p>14 before sending them those, I already mentioned I tried</p> <p>15 to tell them that, "We already have those. Please, give</p> <p>16 me attention."</p> <p>17 BY MS. HARDY:</p> <p>18 Q Okay. Do you understand that it is a serious violation</p> <p>19 of Walgreen policy to make copies of pharmacy records</p> <p>20 with a personal cell phone?</p> <p>21 MS. LINDERMAN: Objection to form and</p> <p>22 foundation.</p> <p>23 THE WITNESS: Okay. That's what I already</p> <p>24 got, like, an answer from Mr. [sic] Amy, when she --</p> <p>25 when she -- Ms. Amy, when she found something like this,</p>	<p style="text-align: right;">Page 84</p> <p>1 MS. HARDY: You know, I don't really want to</p> <p>2 get into all of this right now, because I'm going to</p> <p>3 cover this later, and I don't want to repeat testimony,</p> <p>4 and --</p> <p>5 THE WITNESS: I just wanted to tell you about</p> <p>6 that -- that -- that serious question that this is a</p> <p>7 very serious policy. You already --</p> <p>8 BY MS. HARDY:</p> <p>9 Q And -- and you know that that's a serious policy?</p> <p>10 MS. LINDERMAN: Well --</p> <p>11 THE WITNESS: Yes.</p> <p>12 MS. LINDERMAN: -- objection to form and</p> <p>13 foundation.</p> <p>14 MS. HARDY: Okay.</p> <p>15 THE WITNESS: But can I say -- can I finish,</p> <p>16 please?</p> <p>17 MS. HARDY: No. Because if you get into it</p> <p>18 now, your lawyer is going to object when I ask you about</p> <p>19 it later, and I'm not ready to go through that line of</p> <p>20 questioning, 'cause I'm going to have a lot of follow-up</p> <p>21 questions, and --</p> <p>22 THE WITNESS: I wanted --</p> <p>23 MS. HARDY: -- it's --</p> <p>24 THE WITNESS: -- to --</p> <p>25 MS. HARDY: -- it's outside of the sequence of</p>

<p style="text-align: right;">Page 85</p> <p>1 -- of what I intend --</p> <p>2 MS. LINDERMAN: Well --</p> <p>3 MS. HARDY: -- to cover.</p> <p>4 MS. LINDERMAN: -- just --</p> <p>5 THE WITNESS: Okay.</p> <p>6 MS. LINDERMAN: -- let her go on.</p> <p>7 THE WITNESS: Okay.</p> <p>8 MS. LINDERMAN: This is her ballgame. That's</p> <p>9 how it works. And I have to support her there, so when</p> <p>10 I -- it's my ballgame, she just can't come back to me</p> <p>11 and say [descriptive sound]. What's fair is fair.</p> <p>12 BY MS. HARDY:</p> <p>13 Q Have you ever been a plaintiff or a defendant in -- in a</p> <p>14 lawsuit prior to this lawsuit?</p> <p>15 A Not here. Not in Egypt.</p> <p>16 Q Anywhere else?</p> <p>17 A (Witness shakes head.)</p> <p>18 MS. LINDERMAN: You have to answer.</p> <p>19 BY MS. HARDY:</p> <p>20 Q So the answer's "no"?</p> <p>21 A No.</p> <p>22 Q All right. You've never sued anybody, and you've never</p> <p>23 been sued prior to this lawsuit?</p> <p>24 A Yeah. I swear.</p> <p>25 Q Have you ever filed a complaint of discrimination with a</p>	<p style="text-align: right;">Page 87</p> <p>1 certificate to do a lot of the stuff like -- like</p> <p>2 intravenous, induce --</p> <p>3 Q Um-hmm.</p> <p>4 A -- so I already wrote for six months.</p> <p>5 Q All right. Other than classes with the Michigan Board</p> <p>6 of Pharmacy --</p> <p>7 A Yeah.</p> <p>8 Q -- have you attended any institution of higher</p> <p>9 education? A college or university --</p> <p>10 A No.</p> <p>11 Q -- for any kind of course work?</p> <p>12 A No.</p> <p>13 MS. HARDY: Okay. Let the record reflect I'm</p> <p>14 marking, as Deposition Exhibit No. 1, a document that</p> <p>15 appears to be a resume of Ms. Mikhaeil.</p> <p>16 (Marked for identification:</p> <p>17 Deposition Exhibit No. 1.)</p> <p>18 MS. HARDY: It is a two-page document for the</p> <p>19 record. Here's a copy for the witness and for counsel.</p> <p>20 MS. LINDERMAN: Thank you.</p> <p>21 BY MS. HARDY:</p> <p>22 Q Is this your resume?</p> <p>23 A Yes.</p> <p>24 Q Is this the resume that you submitted to Walgreen in</p> <p>25 connection with your application for employment?</p>
<p style="text-align: right;">Page 86</p> <p>1 federal or state agency, other than the complaint you</p> <p>2 filed in connection with your employment at Walgreen's?</p> <p>3 A No.</p> <p>4 Q Have you attended any college or university in the</p> <p>5 United States for credit or even to audit a class?</p> <p>6 A I think classes which I already attended --</p> <p>7 Q Um-hmm.</p> <p>8 A -- something like took a -- a certificate for -- as a</p> <p>9 compounding pharmacy to get -- to be, like, immunizing</p> <p>10 pharmacy, to be something with PCR, something like a</p> <p>11 regional --</p> <p>12 Q All right. What -- what institution did you attend to</p> <p>13 further your training in pharmacy?</p> <p>14 A The Michigan Board of Pharmacy.</p> <p>15 Q The Michigan Board of Pharmacy?</p> <p>16 A Uh-huh.</p> <p>17 Q They offer classes?</p> <p>18 A Yeah. They offer classes for -- just to get it to give</p> <p>19 you, like, a certificate to be an immunizing</p> <p>20 pharmacist --</p> <p>21 Q Um-hmm.</p> <p>22 A -- or, like, a PCR.</p> <p>23 But the compounding -- compounding mean --</p> <p>24 because I already work, for a long time, for nursing</p> <p>25 homes, or -- so supposed to get the -- like a</p>	<p style="text-align: right;">Page 88</p> <p>1 A You know what? Even I don't know if it is updated or</p> <p>2 not, but I think, yeah.</p> <p>3 Q Look at the date in the upper right-hand corner. It</p> <p>4 indicates 6/20/2012.</p> <p>5 A Um --</p> <p>6 Q Look in the upper right-hand corner. No, in the upper --</p> <p>7 A Okay.</p> <p>8 Q -- upper right-hand corner, page 1.</p> <p>9 A Okay. That's what I'm trying to find out about that.</p> <p>10 Yes, yes, um-hmm.</p> <p>11 Q All right. Are you -- can you confirm that Exhibit</p> <p>12 No. 1 is the resume that you submitted to Walgreen at</p> <p>13 the time you applied for employment?</p> <p>14 A I think it is just the paragraph there, because I can</p> <p>15 see it in this one. Maybe I update that -- a new one,</p> <p>16 and send it to them, or something like -- yes, yes.</p> <p>17 This is the one. Yes. I found it. Sorry.</p> <p>18 Q Did you prepare Exhibit No. 1?</p> <p>19 A What was the question, again, please?</p> <p>20 Q Did you prepare the resume which has been marked as</p> <p>21 Exhibit No. 1?</p> <p>22 A Yes.</p> <p>23 Q Are all of the -- is all of the information contained in</p> <p>24 Exhibit No. 1 truthful and accurate?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 89</p> <p>1 Q Are you still a licensed pharmacist?</p> <p>2 A Yes.</p> <p>3 MS. LINDERMAN: You know what? Can you say</p> <p>4 that again, 'cause I could barely hear it, and I want to</p> <p>5 make sure that it's going to show up? Just repeat your</p> <p>6 answer.</p> <p>7 THE WITNESS: Yes.</p> <p>8 MS. HARDY: Why don't we take a break for a</p> <p>9 moment? A restroom break.</p> <p>10 MS. LINDERMAN: Okay.</p> <p>11 THE VIDEOGRAPHER: Okay. This completes disc 1.</p> <p>12 We're off the record at 11:24 a.m.</p> <p>13 (Whereupon a break was taken</p> <p>14 from 11:24 a.m. to 11:42 a.m.)</p> <p>15 THE VIDEOGRAPHER: We are back on the record</p> <p>16 at 11:42 a.m. This is disc 2 of the deposition of</p> <p>17 Mervat Mikhaeil. Please proceed.</p> <p>18 MS. HARDY: Let the record reflect I've</p> <p>19 marked, as Deposition Exhibit No. 2, what appears to be</p> <p>20 the Walgreen's application for employment of the</p> <p>21 plaintiff.</p> <p>22 (Marked for identification:</p> <p>23 Deposition Exhibit No. 2.)</p> <p>24 BY MS. HARDY:</p> <p>25 Q Can you, please, identify this document for the record?</p>	<p style="text-align: right;">Page 91</p> <p>1 Q All right.</p> <p>2 A This is mine.</p> <p>3 Q So Exhibit No. 2 is the application for employment with</p> <p>4 Walgreen's that you filled out; correct?</p> <p>5 A Yes.</p> <p>6 Q All right. And all of the check marks are check marks</p> <p>7 that you provided in filling out this application;</p> <p>8 correct?</p> <p>9 A That's what I can see right now, but --</p> <p>10 Q Well --</p> <p>11 A -- yes --</p> <p>12 Q -- what can't --</p> <p>13 A -- because --</p> <p>14 Q -- you see right now? Is there anything you --</p> <p>15 A You know --</p> <p>16 Q -- can't read?</p> <p>17 A -- even I can't read every single point, but I think,</p> <p>18 yes --</p> <p>19 MS. LINDERMAN: It's --</p> <p>20 THE WITNESS: -- this is the one.</p> <p>21 MS. LINDERMAN: It is really small. It is</p> <p>22 really small.</p> <p>23 BY MS. HARDY:</p> <p>24 Q Well, what -- what can't you read, because I'll read it</p> <p>25 to you? If there's anything on Exhibit No. 2 that you</p>
<p style="text-align: right;">Page 90</p> <p>1 MS. HARDY: I'm providing a copy to the</p> <p>2 plaintiff and to counsel.</p> <p>3 MS. LINDERMAN: This is Exhibit B, you said?</p> <p>4 MS. HARDY: Yes, two.</p> <p>5 MS. LINDERMAN: Okay. Exhibit 2.</p> <p>6 BY MS. HARDY:</p> <p>7 Q Is this your application for employment with Walgreen?</p> <p>8 MS. LINDERMAN: Objection to form and</p> <p>9 foundation.</p> <p>10 THE WITNESS: This is an application, yes.</p> <p>11 This is one.</p> <p>12 BY MS. HARDY:</p> <p>13 Q Is it your application? Look at the third page. It</p> <p>14 purports to have your electronic signature.</p> <p>15 MS. LINDERMAN: I'll just object, 'cause if it</p> <p>16 was done electronically, she may never have seen it in</p> <p>17 this form. That's my objection.</p> <p>18 THE WITNESS: Yes. (Witness reading from</p> <p>19 document.)</p> <p>20 Yes, it seems just fine from what I can see.</p> <p>21 BY MS. HARDY:</p> <p>22 Q I'm sorry. You're -- you're whispering. I can't hear</p> <p>23 you.</p> <p>24 A Yes, it seems okay, but...</p> <p>25 Yeah, um-hmm. Yes, um-hmm.</p>	<p style="text-align: right;">Page 92</p> <p>1 can't read, because your eyesight's not good enough, let</p> <p>2 me know what area you're referring to, and I'll read it</p> <p>3 to you.</p> <p>4 MS. LINDERMAN: I just -- I don't think it's</p> <p>5 an eyesight issue. I think that it's really small, so</p> <p>6 we can't probably --</p> <p>7 MS. HARDY: But what would the issue be, if it</p> <p>8 wasn't an eyesight issue?</p> <p>9 MS. LINDERMAN: Well, 'cause 8.0 font or</p> <p>10 lower --</p> <p>11 MS. HARDY: I know, but it's an eye -- an eye</p> <p>12 -- an eyesight issue. I'm not being critical, but she's</p> <p>13 -- is she saying she can't read it, because the font's</p> <p>14 too small?</p> <p>15 MS. LINDERMAN: Right. But I think our eyes</p> <p>16 only do so much.</p> <p>17 MS. HARDY: Well, I -- I actually can read it,</p> <p>18 believe it or not, so -- despite my aging eyes, so...</p> <p>19 BY MS. HARDY:</p> <p>20 Q Is there anything on Exhibit No. 2 that you can't read</p> <p>21 because the print is too small?</p> <p>22 A I think everything is just fine, and that's what I can</p> <p>23 see, and everything's okay, but...</p> <p>24 Q Well, what can't you see? Is there anything you can't</p> <p>25 see? If so, point to it, and I will read it to you.</p>

<p style="text-align: right;">Page 93</p> <p>1 A I didn't read every single thing, but...</p> <p>2 Okay. Yes. Um-hmm. Every single thing.</p> <p>3 Q Everything is okay?</p> <p>4 A Um-hmm.</p> <p>5 Q Everything is accurate; correct? It's all information</p> <p>6 you provided and it's all accurate; is that your</p> <p>7 testimony?</p> <p>8 A Something is not accurate here. That's -- my address, I</p> <p>9 already changed my address.</p> <p>10 Q But at the time you applied at Walgreen's, was that your</p> <p>11 address?</p> <p>12 A This is not my address. It -- at the time, I already</p> <p>13 applied it was there, but now it is not there. I -- I</p> <p>14 already moved from this address. And I can't find</p> <p>15 something here. It does --</p> <p>16 Q Well, let's -- let's -- slow down, please.</p> <p>17 Did you live at 45516 Utica Green West in</p> <p>18 Shelby Township at the time you filled out Exhibit No. 2,</p> <p>19 which is your application for employment with Walgreen?</p> <p>20 A Yes.</p> <p>21 Q All right. Is there anything on Exhibit No. 2 that was</p> <p>22 not accurate at the time you provided the information in</p> <p>23 response to the application?</p> <p>24 A Maybe by mistake. I just look at "no," but it's</p> <p>25 supposed to be "yes."</p>	<p style="text-align: right;">Page 95</p> <p>1 A Um-hmm.</p> <p>2 Q And your supervisor during that time period was -- was</p> <p>3 it Everet Ecronizer?</p> <p>4 A Everet Ecronizer, yes.</p> <p>5 Q Okay.</p> <p>6 A Yes.</p> <p>7 Q And to spell it for the record, it's E-V-E-R-E-T for</p> <p>8 "Everet," and the last name E-C-R-O-N-I-Z-E-R.</p> <p>9 A Yes.</p> <p>10 Q What position did Everet hold?</p> <p>11 A Supervisor.</p> <p>12 Q Well, was he a pharmacist?</p> <p>13 A Yes.</p> <p>14 Q Was he the head pharmacist?</p> <p>15 A No. This is coming, like, the supervisor for all -- the</p> <p>16 whole district.</p> <p>17 Q Um-hmm.</p> <p>18 A Uh-huh.</p> <p>19 Q Were you -- did he work on-site with you --</p> <p>20 A Um --</p> <p>21 Q -- at that same location you worked at?</p> <p>22 A Maybe once or something, yes.</p> <p>23 Q All right. Who worked in the same location as you? The</p> <p>24 same pharmacy day to day?</p> <p>25 A I can't remember the name. I'm sorry.</p>
<p style="text-align: right;">Page 94</p> <p>1 Q What -- what are you referring to?</p> <p>2 A Second -- second paper there, I can find that for the</p> <p>3 Highland Pharmacy, my supervisor name -- his name is</p> <p>4 Mehta, and this is the address. And there was a</p> <p>5 question there, "May we contact this employer?"</p> <p>6 I said, "no," but it's supposed to be "yes."</p> <p>7 Q Okay. Is there any other response, that you provided on</p> <p>8 Exhibit No. 2, not accurate?</p> <p>9 A That's it. That's what I can see right now, yeah.</p> <p>10 Q And did you authorize this to be signed per your</p> <p>11 electronic signature?</p> <p>12 A Yes.</p> <p>13 Q Okay. Now, let's cover your prior employment that</p> <p>14 preceded working at Walgreen. You worked for</p> <p>15 CVS Pharmacy?</p> <p>16 A Yes.</p> <p>17 Q All right. Store 8080?</p> <p>18 A Um-hmm.</p> <p>19 Q From June 2010 to December 2010?</p> <p>20 A Yes.</p> <p>21 Q All right. And what position did you hold there?</p> <p>22 A Technician.</p> <p>23 Q Was it in the pharmacy?</p> <p>24 A This was in the pharmacy, yes.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 96</p> <p>1 Q Can you remember anybody?</p> <p>2 A What I already have there, her name is Rosetta (ph) --</p> <p>3 Rosetta. She is one of my friends in the church. She</p> <p>4 was technician. But the managers -- because different</p> <p>5 names or something. I can't get the name. I'm sorry.</p> <p>6 But for Everet Ecronizer -- Everet Ecronizer, there is</p> <p>7 something like a lot of emails between me and him --</p> <p>8 Q Um-hmm.</p> <p>9 A -- 'cause he knows that I'm a pharmacist and I'm doing</p> <p>10 my -- my exams, so...</p> <p>11 Q All right. At -- at the time you worked for</p> <p>12 CVS Pharmacy, you did not --</p> <p>13 A Yes.</p> <p>14 Q -- have your license; is that correct?</p> <p>15 A As a technician -- I worked as a technician, so I didn't</p> <p>16 get my license, yet.</p> <p>17 Q Okay. So the answer is "yes," you -- you did not have</p> <p>18 your license?</p> <p>19 A No.</p> <p>20 Q Okay. All right. What were your job duties as a</p> <p>21 technician?</p> <p>22 A Counting, getting the prescription from the -- those</p> <p>23 customers, to go to help with the drive-through,</p> <p>24 cashier -- you know, and put some data there, help at</p> <p>25 the pharmacy --</p>

<p style="text-align: right;">Page 97</p> <p>1 Q Okay. Be like --</p> <p>2 A -- as a pharmacy --</p> <p>3 Q -- an assistant to the pharmacist?</p> <p>4 A Yes. Technician, assistant.</p> <p>5 Q All right. Did you have any type of performance</p> <p>6 problem, to your knowledge, while you were a technician</p> <p>7 for CVS Pharmacy?</p> <p>8 A Something like -- like problems there?</p> <p>9 Q Did anyone who worked at CVS say to you in writing, or</p> <p>10 verbally, that they were concerned about how you were</p> <p>11 performing your job or conducting yourself in the</p> <p>12 workplace?</p> <p>13 A No. I didn't get that, because even, at this time, I was</p> <p>14 doing my exams. So just I worked for, like, three hours</p> <p>15 every week. You know what I mean?</p> <p>16 Q Um-hmm.</p> <p>17 A So it is no big deal, even, just to -- to say something.</p> <p>18 Q Well, irrespective of how many hours a week you worked,</p> <p>19 did anyone ever have any criticisms of how you were</p> <p>20 conducting yourself in the workplace?</p> <p>21 A No. I didn't get any -- criticize something, you know.</p> <p>22 I didn't get anything.</p> <p>23 Q Was your departure from CVS completely voluntary on your</p> <p>24 part?</p> <p>25 A Yes. Because that's what I tried to email Mr. -- I</p>	<p style="text-align: right;">Page 99</p> <p>1 Q That's the only kind of problem you had?</p> <p>2 A Yes. Something like this.</p> <p>3 Q Okay.</p> <p>4 A Supposed to do this or that, that's it. "Mervat, can</p> <p>5 you go to do this? Mervat, can you go to do that?"</p> <p>6 That's it.</p> <p>7 Q All right. And so they wanted you to work more hours</p> <p>8 and you did not want to do that because of your studies?</p> <p>9 A Yes.</p> <p>10 Q Okay. Did you have any other conflict or disagreement</p> <p>11 or problems with any employees at CVS other than that</p> <p>12 issue?</p> <p>13 A This is -- this thing happened with CVS. It is coming</p> <p>14 like a --</p> <p>15 Q It's really a "yes" or "no." Did -- did -- did you have</p> <p>16 any other --</p> <p>17 A No.</p> <p>18 Q -- kinds of problems?</p> <p>19 A No, no, no.</p> <p>20 Q Okay. Thank you.</p> <p>21 You worked from January 2010 to June 2010 for</p> <p>22 Highland Pharmacy; is that correct?</p> <p>23 A Can you repeat that, again, please?</p> <p>24 Q Yes.</p> <p>25 From January 2010 to June 2010 --</p>
<p style="text-align: right;">Page 98</p> <p>1 think his name was Everet Ecronizer, or something --</p> <p>2 Q Um-hmm.</p> <p>3 A -- and I already emailed him that, "Can I make, like,</p> <p>4 resignation?"</p> <p>5 Because I had to focus on my studying to get</p> <p>6 my -- my -- my --</p> <p>7 Q Um-hmm.</p> <p>8 A -- license, and he said that it -- it is okay. And I --</p> <p>9 he told -- I asked if I -- I can come back. He told me,</p> <p>10 "Yes, you can just try to reach somebody there in the</p> <p>11 pharmacy just coming back even."</p> <p>12 Q All right. Did you apply for a job with CVS as a</p> <p>13 pharmacist once you obtained your license?</p> <p>14 A You know, I can't remember that I already applied with</p> <p>15 them or not, but -- because I already got my job with</p> <p>16 RPh on the Go and I like Target more, maybe. I'm not</p> <p>17 sure if I already did that or not. I'm sorry.</p> <p>18 Q Did you ever have any problems getting along with anyone</p> <p>19 while you worked at CVS?</p> <p>20 A Very little stuff, you know. The technician just wanted</p> <p>21 to get my -- my hours. "You got more."</p> <p>22 "I -- it's okay. Even -- you can take it,</p> <p>23 'cause even I don't want more hours. I want to focus on</p> <p>24 my studying."</p> <p>25 When -- something like this.</p>	<p style="text-align: right;">Page 100</p> <p>1 A Yes.</p> <p>2 Q -- you --</p> <p>3 A Yes.</p> <p>4 Q -- worked for --</p> <p>5 A Highland.</p> <p>6 Q -- Highland Pharmacy?</p> <p>7 A Yes.</p> <p>8 Q All right. And what was your supervisor's name?</p> <p>9 A Mehta, M-E-H-T-A.</p> <p>10 Q Is that a first or last name?</p> <p>11 A I don't know, because this is what -- all of -- all of</p> <p>12 us just called him.</p> <p>13 Q What was your job at Highland Pharmacy?</p> <p>14 A Highland Pharmacy, when I went there I -- I already</p> <p>15 passed a lot of exams, so supposed to start on counting</p> <p>16 my hours, so...</p> <p>17 My hours as a pharmacy intern. So I went</p> <p>18 there just to get my hours.</p> <p>19 Q And you were paid \$15 an hour?</p> <p>20 A Ma'am, I can't remember that. I'm sorry.</p> <p>21 Q You -- you worked at Highland Pharmacy the same time you</p> <p>22 worked at CVS Pharmacy?</p> <p>23 A No. Once I am done with this, I -- I enrolled with</p> <p>24 them.</p> <p>25 Q Once you were done with Highland, you went to CVS;</p>

<p style="text-align: right;">Page 101</p> <p>1 correct?</p> <p>2 A Um-hmm.</p> <p>3 Q All right. And at CVS --</p> <p>4 MS. LINDERMAN: You have --</p> <p>5 MS. HARDY: -- you --</p> <p>6 MS. LINDERMAN: -- to answer. You didn't</p> <p>7 answer.</p> <p>8 BY MS. HARDY:</p> <p>9 Q Is that correct?</p> <p>10 A Yes.</p> <p>11 Q All right. Then at Highland -- at CVS Pharmacy, you</p> <p>12 were only paid \$8.00 an hour?</p> <p>13 A \$8.00 as a technician, yes.</p> <p>14 Q Okay. Why did you leave Highland Pharmacy to go to</p> <p>15 CVS Pharmacy for less pay?</p> <p>16 A I just want to be with a big chain. That was my -- my</p> <p>17 -- my dream, you know. This -- this pharmacy just</p> <p>18 coming, like, a private pharmacy first, and not -- so I</p> <p>19 just wanted to be with somebody, like, chain.</p> <p>20 Q Was your departure from Highland Pharmacy completely</p> <p>21 voluntary on your part?</p> <p>22 A Yes.</p> <p>23 Q Did you have any kind of problems -- performance or</p> <p>24 getting along with people -- when you worked at</p> <p>25 Highland Pharmacy?</p>	<p style="text-align: right;">Page 103</p> <p>1 Franklin Discount Pharmacy which both precede being</p> <p>2 hired by Walgreen's?</p> <p>3 MS. LINDERMAN: Same objection. Form and</p> <p>4 foundation.</p> <p>5 THE WITNESS: I will let you know about that.</p> <p>6 The application came -- that -- that -- this coming --</p> <p>7 the offer letter, it -- it came on like -- like minutes</p> <p>8 before getting my job. You know what I mean? I will</p> <p>9 let you know.</p> <p>10 The offer letter from Ms. Amy, that's what --</p> <p>11 you can see it even with my -- the email between me and</p> <p>12 her. That offer letter came, and I was, at this time,</p> <p>13 coming from -- from my work, my regular work. I found</p> <p>14 that -- that -- that -- the offer letter came, and I did</p> <p>15 it -- and I told her, even over the phone -- you know</p> <p>16 what? Maybe it -- I just bought something there.</p> <p>17 She told me, "Don't worry about this. That's</p> <p>18 okay. Just -- we need something like -- like</p> <p>19 application just to let -- to let -- to let you in the</p> <p>20 system. You already have -- have something before, like</p> <p>21 application with us, but it is expired. Can you just</p> <p>22 put that in -- in the system, just to pick you up?</p> <p>23 That's it."</p> <p>24 And I told her, "Maybe I'm not so precise just</p> <p>25 to do this and that."</p>
<p style="text-align: right;">Page 102</p> <p>1 A It was a peaceful period.</p> <p>2 Q Okay. Where did you go after CVS Pharmacy?</p> <p>3 A After CVS Pharmacy? I think I worked, for a while, with</p> <p>4 Franklin Discount Pharmacy.</p> <p>5 Q Okay.</p> <p>6 A And while I was there, I -- I got a job with RPh on the Go,</p> <p>7 also, so...</p> <p>8 Q Which was a Target pharmacy?</p> <p>9 A Yes. Target Pharmacy --</p> <p>10 Q Okay.</p> <p>11 A -- RPh on the Go.</p> <p>12 And --</p> <p>13 Q Okay. Why don't you disclose Target Pharmacy and</p> <p>14 Franklin Discount Pharmacy on your employment</p> <p>15 application with Walmart?</p> <p>16 A Walgreen's?</p> <p>17 Q Or Walgreen's.</p> <p>18 A Okay.</p> <p>19 MS. LINDERMAN: Objection to form and</p> <p>20 foundation.</p> <p>21 THE WITNESS: I've got -- okay.</p> <p>22 BY MS. HARDY:</p> <p>23 Q Let me ask the question over again.</p> <p>24 Why did you not disclose, on your Walgreen</p> <p>25 application, your employment with Target Pharmacy and</p>	<p style="text-align: right;">Page 104</p> <p>1 She told me, "Don't worry. It's okay. It is</p> <p>2 our team work."</p> <p>3 And she send it to me. "Good news, Mervat. I</p> <p>4 already found your application, and this is -- this</p> <p>5 email I already found -- found it yesterday."</p> <p>6 BY MS. HARDY:</p> <p>7 Q All right. So what you're explaining is, is that you</p> <p>8 filled out the application back in May 2011, and then</p> <p>9 you didn't fill out another application in 2012?</p> <p>10 A Yes.</p> <p>11 Q You just used your old one?</p> <p>12 A Not -- I'm not sure which one she already got.</p> <p>13 Q Okay. Did you submit your resume to -- which is</p> <p>14 Exhibit No. 1 -- to Walgreen at the time you applied for</p> <p>15 employment in 2012?</p> <p>16 A Can you repeat that, please? Sorry. I --</p> <p>17 Q Did you submit your resume, which is in front of you --</p> <p>18 Exhibit No. 1 -- to Walgreen at the time you applied for</p> <p>19 employment in 2012?</p> <p>20 A I submitted to Ms. Amy Yadmark.</p> <p>21 Q Okay. All right. Let's look at Exhibit No. 1. Okay.</p> <p>22 You were a part-time pharmacist at Franklin Discount</p> <p>23 Pharmacy; correct?</p> <p>24 A Okay. Yeah.</p> <p>25 Q That's after you received your license; correct?</p>

<p style="text-align: right;">Page 105</p> <p>1 A Yes.</p> <p>2 Q All right. And who was your supervisor?</p> <p>3 A In Franklin? He was Mr. Eshraf, E-S-H-R-A-F.</p> <p>4 Q Was he your supervisor the entire time?</p> <p>5 A Eshraf, E-S-H -- E-S -- Eshraf.</p> <p>6 Q No, but I -- no.</p> <p>7 I asked you:</p> <p>8 Was he your supervisor the entire time?</p> <p>9 A Yeah.</p> <p>10 Q Okay.</p> <p>11 A He is the owner.</p> <p>12 Q He's the owner?</p> <p>13 A Yes.</p> <p>14 Q All right. Was he a pharmacist as well?</p> <p>15 A Yes.</p> <p>16 Q Was Franklin Discount Pharmacy strictly a pharmacy?</p> <p>17 A It's a private one.</p> <p>18 Q Yes. But it -- it wasn't a store like a Walgreen or a CVS, which sells many different products? It was just a pharmacy?</p> <p>21 MS. LINDERMAN: Objection to form and foundation.</p> <p>23 THE WITNESS: It was just a pharmacy.</p> <p>24 MS. HARDY: Okay.</p> <p>25 THE WITNESS: Medication.</p>	<p style="text-align: right;">Page 107</p> <p>1 A I worked as a pharmacist in Egypt for 15 years.</p> <p>2 Q Fifteen years?</p> <p>3 A Yes.</p> <p>4 Q Okay. Were there differences in terms of the rules and regulations that pharmacists must comply with between Egypt and the United States?</p> <p>7 MS. LINDERMAN: Objection to form and foundation.</p> <p>9 BY MS. HARDY:</p> <p>10 Q I know that's a broad question, but was there something that was -- that stands out, in your mind, that was different about what Egypt required in terms of its regulations versus the United States?</p> <p>14 A With the law, no. The same. The same law here.</p> <p>15 Q Um-hmm.</p> <p>16 A The same law here. It's -- here and there, the same law.</p> <p>18 Q Okay.</p> <p>19 A But how to proceed a prescription, a little -- a little -- you know, maybe the technical work -- you know what I mean?</p> <p>22 Q Um-hmm.</p> <p>23 A It --</p> <p>24 Q Just the technical issues?</p> <p>25 A That's it.</p>
<p style="text-align: right;">Page 106</p> <p>1 BY MS. HARDY:</p> <p>2 Q All right. How long were you employed at -- at Franklin Discount Pharmacy?</p> <p>4 A I'm not sure. I'm not sure how long it will take.</p> <p>5 Q Your resume --</p> <p>6 A Okay.</p> <p>7 Q -- indicates March 2012.</p> <p>8 A This is the time I already left it and went to Walgreen's.</p> <p>10 Q All right. So up until the time of August 2012?</p> <p>11 A Maybe six months or something.</p> <p>12 Q Did you have any performance problems of any kind when you were at Franklin Discount Pharmacy?</p> <p>14 A No.</p> <p>15 Q Did you have any problems getting along with people?</p> <p>16 A No.</p> <p>17 Q Did anyone mistreat you in any way?</p> <p>18 A No.</p> <p>19 Q Was that your first job as a pharmacist?</p> <p>20 MS. LINDERMAN: Objection to form and foundation. In the United States?</p> <p>22 MS. HARDY: (Counsel nods head.)</p> <p>23 THE WITNESS: Yes, it was.</p> <p>24 BY MS. HARDY:</p> <p>25 Q Did you work as a pharmacist in Egypt?</p>	<p style="text-align: right;">Page 108</p> <p>1 Q Such as --</p> <p>2 A You know --</p> <p>3 Q Give me an example of a -- a technical difference between filling a prescription in Egypt versus the United States.</p> <p>6 A In Egypt, when you -- once you get the prescription from doctor, this is his. Even you don't -- you don't have to -- to verify it. 100 percent -- this prescription, 100 percent, is from him or from her, but whoever.</p> <p>10 So there is no kind of verification. There is nothing like I have to verify it. Maybe the instruction, itself, may be a little confusing for you, so even you don't know how to -- to instruct your patient.</p> <p>14 Q Um-hmm.</p> <p>15 A You can call just to make, like, communication with the doctor, make like relation with the doctor, make something right. You -- make everything just 100 percent right.</p> <p>19 Another one is coming, like, you don't have to put a label. Never. Whatever the patient needs --</p> <p>21 Q Um-hmm.</p> <p>22 A -- you can give it to him.</p> <p>23 Q Um-hmm.</p> <p>24 A He needs just a tablet, the tablets coming in strips, so you can give him one strip.</p> <p>25</p>

<p style="text-align: right;">Page 109</p> <p>1 Q Um-hmm.</p> <p>2 A And both -- your instruction, I mean, is not something</p> <p>3 like electronic or something, like, computer stuff.</p> <p>4 Q Um-hmm.</p> <p>5 A How to get your money back once you are done, he's going</p> <p>6 to pay you. So there is nothing like insurance will</p> <p>7 cover up through one a month, and they are going to</p> <p>8 reimburse you. Nothing like that can happen --</p> <p>9 Q Um-hmm.</p> <p>10 A -- no. Once I give you, you give me. That's it.</p> <p>11 Q Okay. All right. So let's go back to Franklin Discount</p> <p>12 Pharmacy. Did you leave Franklin Discount Pharmacy of</p> <p>13 your own volition? Was it voluntary?</p> <p>14 A Yes, voluntary.</p> <p>15 Q No one suggested that you should look for another job?</p> <p>16 A I will let you know about that. My -- my -- Dr. Eshraf</p> <p>17 is my friend, and you -- I just asked him to give me</p> <p>18 something like -- like his advice.</p> <p>19 "Is this okay to go with a big pharmacy</p> <p>20 like -- like a big chain like this?"</p> <p>21 And he told me, "I was a supervisor, Mervat,</p> <p>22 in CVS, and I can't encourage you. I can't encourage</p> <p>23 you to go with any chain. But anyway, we can't -- we</p> <p>24 cannot decide. That is harmful for us without getting</p> <p>25 the experience. Go just to get your experience."</p>	<p style="text-align: right;">Page 111</p> <p>1 THE WITNESS: Okay.</p> <p>2 BY MS. HARDY:</p> <p>3 Q Who was your supervisor at Target Pharmacy where you</p> <p>4 were a relief pharmacist?</p> <p>5 A At the Target? For Target?</p> <p>6 Q Yes.</p> <p>7 A That supervisor coming, every time, it's like -- like</p> <p>8 not just one person. You know what I mean? If I'm</p> <p>9 going to cover in -- in Shelby Township, this is --</p> <p>10 there is one pharmacist. The supervisor is there. When</p> <p>11 I want to go to -- to cover another area, there is</p> <p>12 another one coming to me, or calling me, or that stuff,</p> <p>13 yeah.</p> <p>14 Q So you had numerous different supervisors depending upon</p> <p>15 what store you were in?</p> <p>16 A Yes.</p> <p>17 Q Did you have any performance problems of any kind while</p> <p>18 you were at Target?</p> <p>19 A Honestly, most of them when I go there, they said,</p> <p>20 "Don't leave Target. Target is a good company. Maybe</p> <p>21 it's an old system, but be with us."</p> <p>22 Q All right. Did you have any performance problems of any</p> <p>23 kind when --</p> <p>24 A No.</p> <p>25 Q -- you were at Target?</p>
<p style="text-align: right;">Page 110</p> <p>1 Q Um-hmm. Okay. Was the owner of the Franklin Discount</p> <p>2 Pharmacy Egyptian?</p> <p>3 A Yes.</p> <p>4 Q You worked at the Target Pharmacy the same time you</p> <p>5 worked at Franklin Discount Pharmacy?</p> <p>6 A I -- I worked for like -- maybe there is another one, so</p> <p>7 that's what I'm trying to see that -- and I told that,</p> <p>8 also, with [sic] Amy. I told her, "I have to update</p> <p>9 that -- that -- that -- this one. I have to update that</p> <p>10 resume, and just to send it to you" --</p> <p>11 Q You're not responding to the question. I'm just asking</p> <p>12 whether or not you --</p> <p>13 A Yes.</p> <p>14 Q -- worked at the Target Pharmacy the --</p> <p>15 A At the --</p> <p>16 Q -- same time --</p> <p>17 A -- same time?</p> <p>18 Q -- you worked at Franklin Discount Pharmacy.</p> <p>19 A Yes.</p> <p>20 MS. LINDERMAN: Can I just make an instruction</p> <p>21 here? When you ask her to repeat a question, even if</p> <p>22 you're halfway through her question and you start</p> <p>23 understanding what she's asking, you still need to let</p> <p>24 her finish before you answer; 'cause, otherwise, our</p> <p>25 transcript is going to be muddled. Okay?</p>	<p style="text-align: right;">Page 112</p> <p>1 Did -- did you depart Target of your own</p> <p>2 volition? Was it voluntary on your part?</p> <p>3 A I left them like -- yeah.</p> <p>4 Q All right.</p> <p>5 A And --</p> <p>6 Q How many hours did you work at Target as a --</p> <p>7 A It depends.</p> <p>8 Q -- pharmacist?</p> <p>9 A It depends. Some weeks coming, like, 25 hours.</p> <p>10 Sometimes it's coming, like, 10 hours. Sometimes it's</p> <p>11 more than that. I'm not sure how -- how -- how many</p> <p>12 hours there.</p> <p>13 Q All right. How many hours did you work at Franklin</p> <p>14 Discount Pharmacy?</p> <p>15 A That -- that -- that raised after -- after Target. If I</p> <p>16 got just 10 hours, so I work as a -- as a pharmacist for</p> <p>17 25 hours with -- there. If I got like 20 hours here, I</p> <p>18 can get, like, 20 hours even there.</p> <p>19 Q All right. So your -- between the two jobs, it was a</p> <p>20 full-time pharmacy?</p> <p>21 A That's what I -- I wanted to -- to mention before. This</p> <p>22 is one part time, and here is part time, and there was</p> <p>23 third part time, and I already mentioned that to Amy</p> <p>24 before even I did this one.</p> <p>25 Q Who was the third part time?</p>

<p style="text-align: right;">Page 113</p> <p>1 A The other one, it was for a pharmacy. Its name is</p> <p>2 Farmington Pharmacy.</p> <p>3 Q Was it an independent pharmacy or part of a chain?</p> <p>4 A Farmington coming like independent, private --</p> <p>5 Q Um-hmm.</p> <p>6 A -- yes.</p> <p>7 Q And it's called "Farmington Pharmacy"?</p> <p>8 A Yes.</p> <p>9 Q Where is it located?</p> <p>10 A Livonia.</p> <p>11 Q Livonia?</p> <p>12 A Eight Mile Road -- Farmington Road and Eight Mile Road.</p> <p>13 Q All right.</p> <p>14 A That's what I can remember.</p> <p>15 Q And when did you start working at Farmington Pharmacy?</p> <p>16 A I can't remember. Maybe April, by the end of April.</p> <p>17 Q Of 2012?</p> <p>18 A Maybe April 2012 or May 2012, until the time I already</p> <p>19 left them the day before going to -- to be with the</p> <p>20 Walgreen's. And I mentioned that to Amy, even. I told</p> <p>21 her, "Can you tell me what -- what is the time just to</p> <p>22 let them know to get another -- another one to -- to</p> <p>23 work instead of me?"</p> <p>24 Q Um-hmm.</p> <p>25 A And another thing, small thing there, Farmington --</p>	<p style="text-align: right;">Page 115</p> <p>1 foundation.</p> <p>2 MS. HARDY: -- in -- in the United States?</p> <p>3 MS. LINDERMAN: Back while --</p> <p>4 THE WITNESS: I was --</p> <p>5 MS. LINDERMAN: -- she worked, or --</p> <p>6 MS. HARDY: At any point.</p> <p>7 MS. LINDERMAN: So even where you're employed</p> <p>8 now.</p> <p>9 THE WITNESS: Now? Where I -- I'm working</p> <p>10 right now, or --</p> <p>11 MS. HARDY: Well, let -- let's just go back</p> <p>12 over this.</p> <p>13 BY MS. HARDY:</p> <p>14 Q I just want to identify all pharmacies that you've</p> <p>15 worked at, and if there's a pharmacy that you've become</p> <p>16 employed at after leaving Walgreen's, then we'll include</p> <p>17 that, and we'll -- we'll cover that topic in a moment.</p> <p>18 But your -- the pharmacies that you've worked</p> <p>19 at prior to Walgreen were Farmington Pharmacy,</p> <p>20 Franklin Pharmacy, and Target Pharmacy; correct?</p> <p>21 A Yes.</p> <p>22 Q All right. And then you worked at Walgreen -- or in --</p> <p>23 in CVS, as well -- I'm sorry -- correct?</p> <p>24 A Yes.</p> <p>25 Q All right. Then you worked at Walgreen; correct?</p>
<p style="text-align: right;">Page 114</p> <p>1 Farmington Pharmacy, they have Farmington Pharmacy, and</p> <p>2 inside that, or related to Farmington Pharmacy, there is</p> <p>3 something, like, mail-order pharmacy called</p> <p>4 "Peak Pharmacy," P-E-A-K Pharmacy.</p> <p>5 Peak Pharmacy is a mail-order pharmacy. I</p> <p>6 worked there, like, two days a week.</p> <p>7 Q Um-hmm.</p> <p>8 A So that owner owned Farmington, and also owned</p> <p>9 Peak Pharmacy.</p> <p>10 Q Um-hmm.</p> <p>11 A And he paid me for both of them.</p> <p>12 Q Um-hmm. Okay. Did you have any performance problems at</p> <p>13 Farmington Pharmacy?</p> <p>14 A Never.</p> <p>15 Q All right. Was your departure from Farmington Pharmacy</p> <p>16 completely voluntary on your part?</p> <p>17 A Yes.</p> <p>18 Q Have you worked at any pharmacies in the United States,</p> <p>19 other than Farmington Pharmacy, Franklin Discount</p> <p>20 Pharmacy, Target Pharmacy, and Walgreen's Pharmacy?</p> <p>21 A And CVS before.</p> <p>22 Q Thank you for that correction.</p> <p>23 And have you worked at any pharmacies, other</p> <p>24 than the ones we've just identified on the record --</p> <p>25 MS. LINDERMAN: Objection to form and</p>	<p style="text-align: right;">Page 116</p> <p>1 A Yes.</p> <p>2 Q And now you're employed at another pharmacy?</p> <p>3 A Yes.</p> <p>4 Q Okay. Since leaving Walgreen, where have you been</p> <p>5 employed?</p> <p>6 A After leaving -- leaving Walgreen's -- I want to tell</p> <p>7 you something -- I was -- I was something, like, out of</p> <p>8 function, so -- and I just tried to get myself -- and</p> <p>9 started working in a pharmacy. This pharmacy, and -- it</p> <p>10 is coming, like, private pharmacy. It's called "Majestic,"</p> <p>11 M-A-J-E-S-T-I-C.</p> <p>12 Q Are you employed there?</p> <p>13 A Yes.</p> <p>14 Q How -- when did you become employed?</p> <p>15 A When?</p> <p>16 Q Yes.</p> <p>17 A From November 2012 -- '13. Sorry, sorry, sorry. 2013.</p> <p>18 Q Until current? Through current?</p> <p>19 A Yes.</p> <p>20 Q Okay. And are you -- have you been employed full time</p> <p>21 since November 2013?</p> <p>22 A No, it's just part time.</p> <p>23 Q What is your rate of pay?</p> <p>24 A Is this something that I'm supposed to answer?</p> <p>25 Q Yes.</p>

<p style="text-align: right;">Page 117</p> <p>1 MS. LINDERMAN: Yes. How much do you make?</p> <p>2 Like your hourly rate, or if you're paid salary.</p> <p>3 THE WITNESS: It was for something, like, from</p> <p>4 -- the last time it was something, like, 40.</p> <p>5 BY MS. HARDY:</p> <p>6 Q \$40 an hour?</p> <p>7 A Now, I'm doing \$45 an hour.</p> <p>8 Q Did you start at \$40 and then --</p> <p>9 A I'm not sure, ma'am. Um, at this -- at this point, I</p> <p>10 don't -- I cannot remember. It is -- it was \$40, or I</p> <p>11 just got that, and it -- it switches to \$45. I'm not</p> <p>12 sure. But it -- that -- that amount they already</p> <p>13 offered me first, it was \$40, and I'm not sure -- yeah,</p> <p>14 I got \$40 or \$45.</p> <p>15 Q How many hours a week have you worked since November of</p> <p>16 2013?</p> <p>17 A It was 20 hours and, now, coming like 30 hours.</p> <p>18 Q When did it become 30 hours?</p> <p>19 A This year, but I'm not sure -- February, March. I'm not</p> <p>20 sure. Sorry.</p> <p>21 Q Okay. Have you had any employment, since leaving</p> <p>22 Walgreen, other than Majestic Pharmacy?</p> <p>23 A I work with them between -- between the time I already</p> <p>24 worked with Majestic?</p> <p>25 Q After leaving Walgreen's in July 2013, have you been</p>	<p style="text-align: right;">Page 119</p> <p>1 absolute privilege to that issue?</p> <p>2 MS. LINDERMAN: Yes.</p> <p>3 MS. HARDY: All right. We'll worry about that</p> <p>4 one later.</p> <p>5 BY MS. HARDY:</p> <p>6 Q All right. Let me ask you a question about practices as</p> <p>7 a pharmacist.</p> <p>8 If a patient comes in and has a valid</p> <p>9 prescription, but the insurance coverage for their</p> <p>10 prescription has not yet come through, and let's say</p> <p>11 they've got, like, a heart condition and it's medication</p> <p>12 that they need to have refilled because it's critical to</p> <p>13 their daily health, is it proper for a pharmacist to</p> <p>14 give them pills to tide them through until their</p> <p>15 insurance coverage comes through if it's, otherwise, a</p> <p>16 -- a valid prescription for the patient?</p> <p>17 A Okay. This, according to what type of prescription</p> <p>18 already got. If it is coming, like, a regular</p> <p>19 prescription, something like aspirin --</p> <p>20 Q Well, you don't get a prescription for aspirin?</p> <p>21 A What?</p> <p>22 Q Aspirin you can buy over the counter.</p> <p>23 A No.</p> <p>24 MS. LINDERMAN: It doesn't --</p> <p>25 THE WITNESS: This is --</p>
<p style="text-align: right;">Page 118</p> <p>1 employed with anyone other than Majestic --</p> <p>2 A No.</p> <p>3 Q -- Pharmacy?</p> <p>4 A No.</p> <p>5 Q Have you had any source of income since leaving</p> <p>6 Walgreen's, other than the income from Majestic Pharmacy?</p> <p>7 A No.</p> <p>8 MS. LINDERMAN: I'll just object to form and</p> <p>9 foundation.</p> <p>10 BY MS. HARDY:</p> <p>11 Q Did you collect unemployment?</p> <p>12 MS. LINDERMAN: That would be covered under</p> <p>13 MCL 421.11, so it's privileged.</p> <p>14 MS. HARDY: What?</p> <p>15 MS. LINDERMAN: Any determination by the</p> <p>16 unemployment agency, including giving unemployment, is</p> <p>17 not allowed in civil action under MCL 421.11. So I --</p> <p>18 MS. HARDY: I don't --</p> <p>19 MS. LINDERMAN: -- don't know if --</p> <p>20 MS. HARDY: -- think it's privileged in a</p> <p>21 deposition to ask whether she collected --</p> <p>22 MS. LINDERMAN: It's an --</p> <p>23 MS. HARDY: -- unemployment.</p> <p>24 MS. LINDERMAN: -- absolute privilege.</p> <p>25 MS. HARDY: Well -- so you're asserting an</p>	<p style="text-align: right;">Page 120</p> <p>1 MS. LINDERMAN: -- mean you --</p> <p>2 THE WITNESS: -- something --</p> <p>3 MS. LINDERMAN: -- don't get a prescription.</p> <p>4 THE WITNESS: You -- you don't -- you didn't</p> <p>5 get any kind of prescription for aspirin. Baby is one.</p> <p>6 You didn't get that before?</p> <p>7 Anyway, this is if -- even coming like a</p> <p>8 prescription for aspirin, this one, under -- under --</p> <p>9 they say -- I tried to let it go, and they're just</p> <p>10 coming, like, some -- some issues with the -- with the</p> <p>11 insurance, itself. Okay.</p> <p>12 So what you can do with the aspirin, and when</p> <p>13 you counted them -- when you count them, and like --</p> <p>14 like 10 tablets, or even 100 tablets, what you are going</p> <p>15 to put around the label -- the -- the vial, you're</p> <p>16 supposed to put, like, a label around the vial, just</p> <p>17 even to let them know that inside this -- this vial</p> <p>18 there is aspirin, or this is -- this -- there is water</p> <p>19 pills, or there is something else.</p> <p>20 What you are going to put around the vial just</p> <p>21 to let it go, or let your customer -- just to get it and</p> <p>22 take it and swallow it. You're supposed to put</p> <p>23 something around it.</p> <p>24 "So there is issue with your -- your -- that</p> <p>25 -- that insurance. I will let you know. You know what,</p>

<p style="text-align: right;">Page 121</p> <p>1 ma'am? Your insurance didn't let me go with that, but</p> <p>2 you can just get, like, a three-day supply. And if you</p> <p>3 get, like, a three-day supply, you are going to pay for</p> <p>4 that. Just to get, like, a label to put it around you</p> <p>5 -- around the vial to let you know that this -- there</p> <p>6 is, inside this vial, something. I'm supposed to give</p> <p>7 it to you right away. If you are going -- it is not</p> <p>8 this much. It will cost you, like, \$0.30 or something."</p> <p>9 "Great."</p> <p>10 But what if it is not aspirin? If it's</p> <p>11 coming, like, something else, jenowitz (ph). It cost</p> <p>12 me, like, \$300.</p> <p>13 BY MS. HARDY:</p> <p>14 Q Cost the pharmacy?</p> <p>15 A Yeah.</p> <p>16 Q Right. So it's a money issue for the pharmacy; right?</p> <p>17 A \$300.</p> <p>18 Q All right. So the pharmacy -- if there's a valid</p> <p>19 prescription, there's nothing wrong with the patient</p> <p>20 having the pills; correct?</p> <p>21 MS. LINDERMAN: Hold on. Objection to form</p> <p>22 and foundation, because she's missing what you're trying</p> <p>23 to say.</p> <p>24 MS. HARDY: Well, I'm breaking it down, only</p> <p>25 'cause I need shorter answers, so I can understand.</p>	<p style="text-align: right;">Page 123</p> <p>1 MS. HARDY: Yes.</p> <p>2 THE WITNESS: -- want to --</p> <p>3 MS. HARDY: Yes.</p> <p>4 THE WITNESS: -- ask --</p> <p>5 MS. HARDY: Yes.</p> <p>6 THE WITNESS: Yes?</p> <p>7 MS. HARDY: Yes.</p> <p>8 THE WITNESS: With my pharmacy?</p> <p>9 At the moment, once you give me the</p> <p>10 prescription, I'm going to put, like, issue with the</p> <p>11 insurance, something like private issue. Something like</p> <p>12 it didn't go through, and do we have to -- to call</p> <p>13 insurance just to resolve this issue?</p> <p>14 Something like the insurance terminated, and</p> <p>15 it will be okay after, like, a couple days or three</p> <p>16 days.</p> <p>17 MS. HARDY: Um-hmm.</p> <p>18 THE WITNESS: You have the right to get, like,</p> <p>19 a three-day supply. How to -- what I'm going to put</p> <p>20 around your vial, a three-day supply. Something like go</p> <p>21 to make three-day supply with my system. It will go</p> <p>22 through it for no charge. It is coming by itself with</p> <p>23 new -- with new or X number, with everything with</p> <p>24 instruction how to use it.</p> <p>25 And new instruction even if you are already on</p>
<p style="text-align: right;">Page 122</p> <p>1 BY MS. HARDY:</p> <p>2 Q If -- if a patient comes in, and let's say they have</p> <p>3 blood pressure medication that they've been taking for a</p> <p>4 couple years, and they need a prescription refilled and</p> <p>5 it's essential to their health and well-being that they</p> <p>6 have their blood pressure medication, but there's a</p> <p>7 problem with insurance, and so the pharmacy doesn't know</p> <p>8 whether insurance is going to pay for it, or whether the</p> <p>9 patient's going to have to pay out of their pocket,</p> <p>10 wouldn't you agree that there's nothing wrong with the</p> <p>11 pharmacy giving that patient some blood pressure pills,</p> <p>12 without charging them, while they're waiting to hear</p> <p>13 from the insurance company as to whether the company --</p> <p>14 the insurer will -- will provide coverage?</p> <p>15 MS. LINDERMAN: Objection to form and</p> <p>16 foundation.</p> <p>17 THE WITNESS: Perfect.</p> <p>18 MS. HARDY: Just -- now answer that question.</p> <p>19 THE WITNESS: Perfect.</p> <p>20 You're coming and you said that you are on</p> <p>21 this medication from, like, two years -- a couple years</p> <p>22 ago; right?</p> <p>23 MS. HARDY: Um-hmm.</p> <p>24 THE WITNESS: With me? With my pharmacy? I</p> <p>25 want to -- I --</p>	<p style="text-align: right;">Page 124</p> <p>1 this blood medication -- blood pressure medication</p> <p>2 before last month, and you already used it like once a</p> <p>3 day, and then new prescription coming to me just twice a</p> <p>4 day, I'm going to put the twice a day, and you have to</p> <p>5 get it, like, for free. This is a policy with all kind</p> <p>6 of pharmacists.</p> <p>7 MS. HARDY: Okay. All right.</p> <p>8 THE WITNESS: Perfect?</p> <p>9 MS. HARDY: Yeah.</p> <p>10 THE WITNESS: You already got it?</p> <p>11 MS. HARDY: Yeah.</p> <p>12 THE WITNESS: So you are one of my customers</p> <p>13 coming to me, and ask to get this prescription, and "my</p> <p>14 insurance didn't cover. Ma'am, can you help me,</p> <p>15 please?"</p> <p>16 "Yes, sure. I can help you. This is my job</p> <p>17 just to help you. A three-day supply -- you are one of</p> <p>18 my valued customers -- valuable customers, I am going to</p> <p>19 pay."</p> <p>20 But -- but what can I do? What can I do if</p> <p>21 you are not one of my customers?</p> <p>22 BY MS. HARDY:</p> <p>23 Q Let's take that scenario. What if I've never been your</p> <p>24 customer before at your pharmacy --</p> <p>25 A Okay.</p>

<p style="text-align: right;">Page 125</p> <p>1 Q -- but my physician sends you a prescription so that I 2 can get blood pressure medication -- 3 A Okay. 4 Q -- but you don't, yet, as the pharmacy, know whether I'm 5 going to have to pay for it myself, or whether my 6 insurance carrier is going to pay for it. And I go in 7 to pick up my prescription and find out: 8 "Oh, gosh, there's an insurance problem. They 9 don't have an answer yet from the insurance company. 10 But I have a blood pressure problem, and I need my blood 11 pressure medication right away." 12 It's appropriate, is it not, for the pharmacy 13 to give me a small amount of medication to tide me over 14 until they get an answer from the insurance company; 15 correct? 16 A According -- according to the policy with that -- with 17 that chain, according to the policy which I already 18 have, according to what I already got from there, I 19 can't do something like this. Because you are a new 20 customer with me, I don't have your history. I don't 21 have to -- to put my -- myself at risk, something like 22 -- something like -- like you -- you are a new customer 23 with me. 24 You said that you -- you get, like, blood 25 pressure medication, and you're supposed to get it right</p>	<p style="text-align: right;">Page 127</p> <p>1 something I can help with, and I am not sure if it is 2 okay or not okay. 3 Q All right. You weren't sure whether Walgreen's policies 4 prevented you from giving the customer, or the patient, 5 a -- a -- some free pills to tide them over while they 6 waited for the answer from the insurance company? 7 MS. LINDERMAN: Objection to form -- 8 THE WITNESS: The free -- 9 MS. LINDERMAN: -- and foundation. 10 THE WITNESS: The free -- the free 11 prescription? The free three-day supply? The free -- 12 the free, like, three-day supply, and after that another 13 three-day supply to get the permission to get it? It is 14 allowed in Walgreen's. We did it before. We did it a 15 lot. And we are -- we do it every time, but it is 16 coming, like, that -- it is coming like something that 17 -- that system will let me go through it. 18 But if the system didn't let me go through it 19 -- this is a question. This is system. This is not 20 human being; right? This is something asking you, how 21 -- the three pills you are going to get, it deserves 22 10 pounds -- \$10. Okay? 23 If you are going to pay me \$10, take it. If 24 you are not going to pay me, you cannot afford it, how 25 -- that -- that -- the leaflet -- that -- that -- that</p>
<p style="text-align: right;">Page 126</p> <p>1 away. Take from your pocket for three-day supply until 2 you get the answer from the -- your insurance, or wait 3 and call them and I will call you back. Or if you are 4 one of the customers with another pharmacy, they will -- 5 they will help you a lot more than me. 6 Q When you were employed at Walgreen -- 7 A Uh-huh. 8 Q -- is it your testimony that a Walgreen's policy 9 prevented the pharmacy from giving the new customer a 10 small supply of medication to tide them over in that 11 situation? 12 A You know, maybe, because I -- even I -- I didn't -- I 13 didn't see something like this. Even I didn't ask. 14 Maybe because even I didn't get something like -- like 15 issue with the -- the insurance -- coming issue with the 16 insurance right away. 17 "Sir, ma'am, I -- I have issue with your 18 insurance." 19 "Yes, I know that," or "I didn't hear about 20 that before. Can you call them, please, and just let me 21 know what you're -- what you're coming up" -- 22 Or even they -- they will leave their 23 prescription just to try to proceed [sic] it, or even 24 they are going to wait. I cannot -- I cannot do 25 something -- it is not from my pocket. It is not</p>	<p style="text-align: right;">Page 128</p> <p>1 -- that -- this kind of label coming with the co-pay. 2 Who going to pay? You? Or the insurance? 3 BY MS. HARDY: 4 Q All right. So let me just make sure I understand what 5 you're saying. So are you testifying that if a new 6 customer came in with a valid prescription, but they 7 didn't have insurance coverage, that the Walgreen's 8 system would prevent you from giving them free pills? 9 Is that what you're saying? 10 A That -- if the patient -- 11 MS. LINDERMAN: It's a "yes" or "no" question. 12 THE WITNESS: Hmm? 13 MS. LINDERMAN: She asked a "yes" or "no" 14 question. 15 THE WITNESS: Yeah. The system -- system will 16 stop me. 17 BY MS. HARDY: 18 Q Okay. Because of an internal Walgreen policy? 19 A According to the policy, the -- the -- the system -- 20 this -- this -- this kind of program, that program is 21 there, according to whatever you are going to put in it, 22 if they give me -- give you that -- that -- that 23 permission to do it, do it. 24 If they -- this system didn't let you go 25 through it, there is no leaflet coming up from there,</p>

<p style="text-align: right;">Page 129</p> <p>1 there is no label around the vial, you cannot give it to 2 him. 3 Q All right. When you were at Walgreen, did you know of 4 any law or regulation that prevented you, as a 5 pharmacist, from giving a short-term supply of free 6 pills to a patient while they were waiting for insurance 7 coverage, if they had a valid prescription for that 8 medication? 9 A You -- 10 MS. LINDERMAN: Objection to form and 11 foundation. 12 MS. HARDY: Go ahead. 13 THE WITNESS: You can do that as three-day 14 supply. If the -- the system accept it, it will come 15 in. This answer not coming to me. The system, itself. 16 How to know this is a policy or not? How to know that 17 this policy is inside this system or not? 18 MS. HARDY: Right. 19 THE WITNESS: How to know that you are okay or 20 not? If that -- the label coming up. If the label 21 isn't coming up, you can't get the -- every patient 22 coming to you, like, with three pills in -- in his hand, 23 and you take it like this, and they go outside to 24 swallow it. 25</p>	<p style="text-align: right;">Page 131</p> <p>1 insurance coverage if they had a valid prescription; is 2 that correct? 3 MS. LINDERMAN: Objection to form and 4 foundation. 5 THE WITNESS: Okay. I didn't -- I didn't get 6 any problem like that before. This is -- this is -- 7 first of all -- I'm sorry. I didn't get something like 8 that -- that -- that prescription didn't go through it, 9 and how to deal with that. If the prescription didn't 10 go through it, you have to deal with the system. You 11 have to do something with the system. 12 If the system stops you to do anything, if it 13 says "done," it's done. But if there is something can 14 help with that, maybe coming like a very complicated 15 answer, coming like a very complicated question, maybe 16 I'm going to call somebody, like, more experienced than 17 me. 18 Like 10 -- 10 years ago there, he has this 19 kind of experience, maybe I'm going to call and ask, 20 "Hi, Sarah. This is Mervat from Store Number 21 blah-blah-blah-blah, and I just want to ask you, the 22 patient in front of me, and his insurance didn't cover 23 this kind of insulin. Can I give him, please, a 24 three-day supply?" 25</p>
<p style="text-align: right;">Page 130</p> <p>1 BY MS. HARDY: 2 Q Let's put aside Walgreen's policy that blocked 3 pharmacists from giving free prescriptions under certain 4 circumstances. 5 When you were a Walgreen employee, did you 6 know of any law or regulation that prevented a pharmacist -- 7 A I didn't -- 8 Q -- from giving -- 9 A -- even -- 10 MS. LINDERMAN: Hold on. 11 THE WITNESS: -- ask. 12 MS. LINDERMAN: Hold on. 13 BY MS. HARDY: 14 Q You didn't even ask? 15 MS. LINDERMAN: I'm sorry. 16 MS. HARDY: Let me finish. 17 MS. LINDERMAN: I need to -- she didn't finish 18 her question. 19 MS. HARDY: All right. 20 MS. LINDERMAN: I need to object. 21 BY MS. HARDY: 22 Q Did you -- so -- so you never asked, and didn't have any 23 knowledge of any law or regulation that would prohibit a 24 pharmacist from giving a new customer a short-term 25 supply of medication while they were waiting for</p>	<p style="text-align: right;">Page 132</p> <p>1 BY MS. HARDY: 2 Q Are you done? 3 A According to what the answer come in, I can do it. But 4 I'm pretty sure that he will say: 5 "Try this stuff. If it lets you go -- that 6 leaflet coming up from the system, if it didn't let you 7 go, pay it from your pocket. If it didn't let you go, 8 that's it. We cannot -- we cannot give every single 9 customer coming to you, ma'am -- I'm -- I'm -- I'm not 10 sure. Maybe you are -- you are new here in the 11 pharmacy, but you cannot give every single one coming to 12 you insulin with \$300." 13 Yes? Yes? 14 Q Um-hmm. 15 A You are going to give him, like, a three-day supply of 16 jenowitz (ph). You know what, ma'am? How many -- how 17 many people on jenowitz, and how much it will cost our 18 pharmacy? This kind of loss -- kind of loss -- kind of 19 loss means that we have to call the loss prevention and 20 tell him that we already lost one pen from insulin. 21 Q Okay. Do you -- did you have any basis for believing, 22 when you were at Walmart [sic], that Donna Spencer 23 violated any policy of Walmart, when -- 24 A Walgreen's -- 25 Q -- she --</p>

<p style="text-align: right;">Page 133</p> <p>1 A -- again.</p> <p>2 Q When you --</p> <p>3 A Sorry.</p> <p>4 Q -- were employed at Walgreen, did you have any reason</p> <p>5 for believing that Donna Spencer violated any Walgreen</p> <p>6 policy when she dispensed drugs to patients?</p> <p>7 MS. LINDERMAN: Objection to form and</p> <p>8 foundation. You can answer.</p> <p>9 BY MS. HARDY:</p> <p>10 Q When she or one of her assistants, such as you,</p> <p>11 dispensed drugs to patients?</p> <p>12 MS. LINDERMAN: Same objection.</p> <p>13 THE WITNESS: So which one you are talking</p> <p>14 about right now? Which point? Do you want to adjust</p> <p>15 it?</p> <p>16 BY MS. HARDY:</p> <p>17 Q Let me ask again.</p> <p>18 When you were employed at Walgreen, did you</p> <p>19 have any basis for believing that Donna Spencer was</p> <p>20 violating Walgreen policy when she provided medications</p> <p>21 -- prescription medications -- to patients of Walgreen's?</p> <p>22 A Absolutely, yes.</p> <p>23 Q All right. What policy did she violate?</p> <p>24 A DEA law.</p> <p>25 Q What's DEA law? I'm asking about Walgreen policies</p>	<p style="text-align: right;">Page 135</p> <p>1 THE WITNESS: Ma'am, I -- again, I want you to</p> <p>2 be -- just as I -- I will let you listen, again, to a</p> <p>3 comment coming from technician. Technician, she is not</p> <p>4 educated this much. Technician, is not -- something</p> <p>5 like high school. She didn't get -- get anything --</p> <p>6 BY MS. HARDY:</p> <p>7 Q I'm not asking about -- why are you talking about a</p> <p>8 technician? I'm asking about --</p> <p>9 A I just --</p> <p>10 Q -- Donna Spencer --</p> <p>11 A -- want you --</p> <p>12 Q -- the --</p> <p>13 A -- to listen --</p> <p>14 Q -- pharmacy manager.</p> <p>15 A I -- I just want you to listen to that -- that comment</p> <p>16 coming from a technician, and she said, "I have seen a</p> <p>17 lot of this stuff. I had -- I have been here for this</p> <p>18 time of years, and what I already practiced with this</p> <p>19 lady" --</p> <p>20 I am sorry. I'm -- I'm not going to say that</p> <p>21 -- that -- that -- that -- that -- that comment she</p> <p>22 said. It is -- was so rude, and I didn't practice this</p> <p>23 kind of law with anyone. She give Control 2 medication</p> <p>24 without the label. It's okay. I'm -- I'm sorry.</p> <p>25 Q Now -- now, wait a minute. I -- who are you talking</p>
<p style="text-align: right;">Page 134</p> <p>1 right now.</p> <p>2 MS. LINDERMAN: Objection to form and</p> <p>3 foundation.</p> <p>4 I would assume Walgreen's has a policy that</p> <p>5 they have to follow the law.</p> <p>6 BY MS. HARDY:</p> <p>7 Q Okay. Tell me what your --</p> <p>8 A Maybe -- maybe there's something I don't know. I -- I</p> <p>9 -- that's what I can figure about [sic]. Independent</p> <p>10 pharmacy, they follow law. CVS follow law. What --</p> <p>11 Target, I already there, and I follow the law. And,</p> <p>12 now, I am -- I'm hearing another [sic] stuff, so I'm --</p> <p>13 I'm with you until the end.</p> <p>14 Q All right. All right. Let's not get cute here. Of</p> <p>15 course they follow the law. But they don't have to have</p> <p>16 a policy that says, "We follow the law." I mean, you</p> <p>17 don't write policies to say, "We follow all laws."</p> <p>18 MS. LINDERMAN: Well, some of them might.</p> <p>19 BY MS. HARDY:</p> <p>20 Q So I'm talking something unique to Walgreen that's</p> <p>21 policy. Is there any particular policy that -- that</p> <p>22 they had in -- in effect, that you claim she violated</p> <p>23 when she dispensed prescription medications to patients?</p> <p>24 MS. LINDERMAN: Objection to form and</p> <p>25 foundation. You can answer.</p>	<p style="text-align: right;">Page 136</p> <p>1 about? What technician?</p> <p>2 A Janet.</p> <p>3 Q All right.</p> <p>4 A The regular --</p> <p>5 Q All right.</p> <p>6 A The regular technician.</p> <p>7 Q And she was referring to Donna Spencer doing something</p> <p>8 she thought was inappropriate?</p> <p>9 A Yes.</p> <p>10 Q What -- what comment did she make that you thought was</p> <p>11 so rude?</p> <p>12 A She did -- she said something.</p> <p>13 Q I want -- want you to put it on the record. What was</p> <p>14 it?</p> <p>15 A It was -- I am not sure. I cannot -- I can't -- I --</p> <p>16 Q Well, you just said you weren't going to repeat it</p> <p>17 'cause it was so rude.</p> <p>18 A It was --</p> <p>19 Q So --</p> <p>20 A -- rude.</p> <p>21 Q So, obviously, you know what it is --</p> <p>22 MS. LINDERMAN: You can spell it.</p> <p>23 MS. HARDY: -- and it's your obligation to</p> <p>24 repeat it.</p> <p>25 THE WITNESS: I -- I'm supposed to say it?</p>

<p style="text-align: right;">Page 137</p> <p>1 MS. LINDERMAN: Yes --</p> <p>2 MS. HARDY: Yes.</p> <p>3 MS. LINDERMAN: -- you are.</p> <p>4 THE WITNESS: Crazy -- crazy lady. She is</p> <p>5 totally crazy.</p> <p>6 BY MS. HARDY:</p> <p>7 Q All right. That's what Janet said about --</p> <p>8 A Yes.</p> <p>9 Q -- Donna Spencer?</p> <p>10 When did she make that statement about Donna</p> <p>11 Spencer?</p> <p>12 A No. I got that for a long time. It -- once she -- she</p> <p>13 found something, she commented just to say, "Hey, I</p> <p>14 found this, this stuff, and I don't know if this goes</p> <p>15 with the law or not."</p> <p>16 I -- I already tried to tell her, "You know</p> <p>17 what? Tomorrow we are going to ask her, our -- our</p> <p>18 manager here, what is going on with that."</p> <p>19 I already tried to -- to transfer all this</p> <p>20 comment -- not comment -- all those kinds of information</p> <p>21 to my manager, who was the pharmacy manager, and she</p> <p>22 didn't listen. I tried to transfer this to a little bit</p> <p>23 higher from the -- our manager.</p> <p>24 Q I -- I don't want to go into all of that right now. I</p> <p>25 just want to know what you're claiming Donna Spencer did</p>	<p style="text-align: right;">Page 139</p> <p>1 to postulate this kind of medication to your patient?</p> <p>2 You can postulate and give him six tablets. Within</p> <p>3 72 hours you have to complete the amount you give it to</p> <p>4 him.</p> <p>5 So what does this mean? This means that you</p> <p>6 already give six tablets, and you have to give, like, 54</p> <p>7 -- the other 54 within 72 hours.</p> <p>8 Q Okay.</p> <p>9 A What I --</p> <p>10 Q Stop. Stop. Stop.</p> <p>11 I want to know what you're claiming</p> <p>12 Donna Spencer did. I don't want you to just recite --</p> <p>13 MS. LINDERMAN: I think she's --</p> <p>14 MS. HARDY: -- what you --</p> <p>15 MS. LINDERMAN: -- telling you that.</p> <p>16 MS. HARDY: Well --</p> <p>17 MS. LINDERMAN: That's --</p> <p>18 MS. HARDY: But that --</p> <p>19 MS. LINDERMAN: -- her answer.</p> <p>20 MS. HARDY: It's not clear that that's what</p> <p>21 she's doing. She's now just going on and on and on</p> <p>22 about what she believes is the appropriate way to</p> <p>23 dispense, but she's not tying it back --</p> <p>24 MS. LINDERMAN: But then --</p> <p>25 MS. HARDY: -- to Donna --</p>
<p style="text-align: right;">Page 138</p> <p>1 that violated Walgreen policy. And your answer is she</p> <p>2 violated DEA law?</p> <p>3 A Yes.</p> <p>4 Q All right. What DEA law are you claiming she violated</p> <p>5 when you worked at Walgreen?</p> <p>6 A First of all, there's nothing like Control 2 in advance.</p> <p>7 If it is coming, like, emergency -- emergency case in</p> <p>8 front of you -- and you have to give Adderall medication</p> <p>9 to the patient, there is something like hospital to --</p> <p>10 to get this kind of emergency. If you want to give the</p> <p>11 -- the patient that -- any kind of medication, supposed</p> <p>12 to give it in a vial, and there is a label in front of a</p> <p>13 -- a label around the vial, and you're supposed to give</p> <p>14 him something to read, something like -- like -- like a</p> <p>15 leaflet to read. Something about his medication to read</p> <p>16 just to make sure that this is the right medication.</p> <p>17 If you -- if it is coming, like -- you are</p> <p>18 going to give any kind of medication, it's okay for a</p> <p>19 three-day supply, if your system allow you to give</p> <p>20 three-month -- -day supply. According to the law,</p> <p>21 Control 2, you cannot postulate. You can cannot</p> <p>22 postulate like -- like -- you know -- you know what I</p> <p>23 mean?</p> <p>24 If your doctor just put you on Adderall 60,</p> <p>25 and you have, like, six tablet for three-day supply, how</p>	<p style="text-align: right;">Page 140</p> <p>1 MS. LINDERMAN: -- this is --</p> <p>2 MS. HARDY: -- Spencer.</p> <p>3 MS. LINDERMAN: The next question you ask her</p> <p>4 is: Are you saying that's what Donna did?</p> <p>5 MS. HARDY: Well, that's not how I'm going to</p> <p>6 go about it.</p> <p>7 BY MS. HARDY:</p> <p>8 Q I want you to identify each thing she did, and -- and be</p> <p>9 specific as to what she did, and how many times it</p> <p>10 happened, that you claim was a violation of DEA law.</p> <p>11 MS. LINDERMAN: Objection to form and</p> <p>12 foundation.</p> <p>13 MS. HARDY: Don't -- don't just give me a</p> <p>14 lecture on what --</p> <p>15 THE WITNESS: I'm not --</p> <p>16 MS. HARDY: -- what --</p> <p>17 THE WITNESS: -- sorry.</p> <p>18 MS. HARDY: -- what -- what --</p> <p>19 MS. LINDERMAN: She isn't.</p> <p>20 MS. HARDY: -- the pharmacy --</p> <p>21 MS. LINDERMAN: She's telling you --</p> <p>22 MS. HARDY: -- regulations, you know, provide</p> <p>23 is proper procedure. Tie it to if Donna Spencer gave a</p> <p>24 patient something that she shouldn't have done, or she</p> <p>25 did it in an improper way, and "This is why I believe it</p>

<p style="text-align: right;">Page 141</p> <p>1 was a violation of DEA law."</p> <p>2 THE WITNESS: Ma'am, I did.</p> <p>3 MS. LINDERMAN: Objection to --</p> <p>4 MS. HARDY: And it --</p> <p>5 MS. LINDERMAN: -- form --</p> <p>6 MS. HARDY: -- it --</p> <p>7 MS. LINDERMAN: Sorry.</p> <p>8 MS. HARDY: It -- it needs to be specific, not</p> <p>9 just a long dissertation about DEA regulations.</p> <p>10 THE WITNESS: I --</p> <p>11 MS. LINDERMAN: Objection to form and</p> <p>12 foundation. I think she is trying to do it.</p> <p>13 BY MS. HARDY:</p> <p>14 Q So you've got to break it down, and we're going to --</p> <p>15 we're not going to take a long answer that goes, you</p> <p>16 know, a page or so. We want to take -- we want you to</p> <p>17 list things that you claim she did.</p> <p>18 A Can I ask --</p> <p>19 Q So let -- let's -- let me approach it this way:</p> <p>20 When is the first time you claim Donna Spencer</p> <p>21 did something that was in violation of the law or a</p> <p>22 regulation?</p> <p>23 MS. LINDERMAN: Objection to form and</p> <p>24 foundation.</p> <p>25</p>	<p style="text-align: right;">Page 143</p> <p>1 Q Okay. What did she do on June 19th?</p> <p>2 A She did it on June 18th, not on June -- June 19th.</p> <p>3 June 18th, she did it.</p> <p>4 Q What?</p> <p>5 A I discovered it on June 19th. And -- and when I -- I --</p> <p>6 I got it, I was --</p> <p>7 Q What -- what do you claim she did on June 18, 2013?</p> <p>8 A I found a shortage. I -- I did something like a DEA</p> <p>9 report. It's supposed to be annual. And the annual</p> <p>10 report, I did it -- it was on June 9th.</p> <p>11 Q 19th?</p> <p>12 A 9th. 9th. 6/9.</p> <p>13 Q Okay.</p> <p>14 A I did the report on June 9th, and supposed to put every</p> <p>15 single control, like 2, Control 3, Control 4, Control 5,</p> <p>16 just put it in the report, like inventory, and send it</p> <p>17 back to DEA -- DEA law. DEA.</p> <p>18 And when I already did, there was a bottle of</p> <p>19 Control 2. Do you want me to tell you what is that?</p> <p>20 Q Well, I'm getting confused, because you told me the</p> <p>21 first time she did something that you believed was a</p> <p>22 violation of the law, or a regulation, was on June 18th.</p> <p>23 Now, you're talking about a report on June 9th.</p> <p>24 MS. LINDERMAN: Objection to form and</p> <p>25 foundation. She said she found -- realized it on that</p>
<p style="text-align: right;">Page 142</p> <p>1 BY MS. HARDY:</p> <p>2 Q And what was that?</p> <p>3 MS. LINDERMAN: Same objection.</p> <p>4 THE WITNESS: Ma'am, I didn't -- I didn't</p> <p>5 answer your question when you said that --</p> <p>6 BY MS. HARDY:</p> <p>7 Q I want you to answer the question I just asked you.</p> <p>8 A Ma'am, can -- can -- I just wanted to let you know that</p> <p>9 you said, "What is a DEA law?"</p> <p>10 That's what you said. So I -- I just want --</p> <p>11 that's what I already --</p> <p>12 Q I --</p> <p>13 A -- give it to you.</p> <p>14 Q Look, I'm not faulting you. We're just going to move on</p> <p>15 and try to move on efficiently. So let's -- let's</p> <p>16 proceed in this fashion. Identify the first thing you</p> <p>17 became aware of that Donna Spencer did that you believed</p> <p>18 was in violation of the law or a regulation with --</p> <p>19 A Maybe --</p> <p>20 Q -- in --</p> <p>21 A -- it was --</p> <p>22 Q -- in connection with her role as a pharmacist.</p> <p>23 A It was on June 19th.</p> <p>24 Q June 19th of 2013?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 144</p> <p>1 date.</p> <p>2 MS. HARDY: No. She said she realized it on</p> <p>3 June 19th. The event occurred on June 18th. And, now,</p> <p>4 she's talking about a DEA report that she prepared on</p> <p>5 June 9th.</p> <p>6 MS. LINDERMAN: She -- I don't think she said</p> <p>7 19th, but I could -- I think it was the 9th --</p> <p>8 THE WITNESS: Okay.</p> <p>9 MS. LINDERMAN: -- but I'm going to object --</p> <p>10 MS. HARDY: Well, how --</p> <p>11 MS. LINDERMAN: -- to form --</p> <p>12 MS. HARDY: She couldn't --</p> <p>13 MS. LINDERMAN: -- and foundation.</p> <p>14 MS. HARDY: -- discover on June 9th what</p> <p>15 happened on June 18th.</p> <p>16 MS. LINDERMAN: Something could have happened</p> <p>17 on June 9th that she knew about, and when she saw</p> <p>18 something on the 18th, she realized something had</p> <p>19 happened.</p> <p>20 MS. HARDY: Well, that's --</p> <p>21 MS. LINDERMAN: That was --</p> <p>22 MS. HARDY: -- different --</p> <p>23 MS. LINDERMAN: -- the answer --</p> <p>24 MS. HARDY: -- but...</p> <p>25 MS. LINDERMAN: -- to your question.</p>

<p style="text-align: right;">Page 145</p> <p>1 BY MS. HARDY:</p> <p>2 Q All right. Is -- is the first situation where you claim</p> <p>3 Donna Spencer did something in violation of a rule or --</p> <p>4 a rule, regulation, or a legal provision on June 18th?</p> <p>5 MS. LINDERMAN: Objection to form and --</p> <p>6 MS. HARDY: Just --</p> <p>7 MS. LINDERMAN: -- foundation.</p> <p>8 MS. HARDY: Just answer the question.</p> <p>9 THE WITNESS: Okay.</p> <p>10 BY MS. HARDY:</p> <p>11 Q Was it June 18th?</p> <p>12 A It's -- can -- can I --</p> <p>13 Q No. Just answer the question --</p> <p>14 A Um-hmm.</p> <p>15 Q -- because we -- you're making this enormously</p> <p>16 confusing, so we have to keep going back over it.</p> <p>17 A Personally, what happened, it was on June 19th. I found</p> <p>18 shortage in one of Control 2 medications. I already --</p> <p>19 I already have put, like, a sticker that this amount is</p> <p>20 in the vial. And she -- she put another sticker there,</p> <p>21 before me, like two days before me. And we reported all</p> <p>22 those kinds of amounts to DEA.</p> <p>23 It's supposed to be, like, 39 tablets or</p> <p>24 capsules inside the vial. I got a prescription from one</p> <p>25 of my customers, and it's supposed to do, like,</p>	<p style="text-align: right;">Page 147</p> <p>1 already put another label before me, like two days</p> <p>2 before me, there is 39.</p> <p>3 But when I counted them, I found 29. When I</p> <p>4 found, like, 10 -- 10 tablets or 10 capsules -- I'm not</p> <p>5 sure which one -- it -- how -- what was in there. It</p> <p>6 was, like, 10 tablets shortage. I got -- I got -- you</p> <p>7 know, one tablet make a lot with the DEA. What then</p> <p>8 happened is they found, like, 10 tablets shortage there.</p> <p>9 So I just asked that technician, "Janet, can</p> <p>10 you come in, please?"</p> <p>11 And she came.</p> <p>12 "Ma'am, I'm sorry for that, but this is 29.</p> <p>13 Maybe because I -- I was working in another store in the</p> <p>14 morning. I'm so exhausted. So can you just count them</p> <p>15 for me, please?"</p> <p>16 She count them and she told me, "There is 29</p> <p>17 in there."</p> <p>18 I told her, "Do you see my -- my label there?"</p> <p>19 She said, "Thirty-nine."</p> <p>20 "Do you see the label Donna already jotted</p> <p>21 down?"</p> <p>22 She said, "Thirty-nine."</p> <p>23 I asked her, "There is 10 shortage in there."</p> <p>24 She told me, "This medication is a safe</p> <p>25 product in a safe. Mervat, don't make it a big issue.</p>
<p style="text-align: right;">Page 146</p> <p>1 30 tablets from this kind of control. And I believe in</p> <p>2 -- I already have enough to do this kind of</p> <p>3 prescription. And when I went to count them, I found</p> <p>4 that there is shortage, like, 10 tablets.</p> <p>5 Q All right. So you made that discovery on June 19th?</p> <p>6 A 19th.</p> <p>7 MS. HARDY: Okay. Marla, are you with her?</p> <p>8 MS. LINDERMAN: Yeah.</p> <p>9 MS. HARDY: She said June 19th.</p> <p>10 BY MS. HARDY:</p> <p>11 Q Okay. So you discovered 10 tablets short on a</p> <p>12 particular prescription on June 19th, and it had --</p> <p>13 A Not the prescription, ma'am. It is common, like,</p> <p>14 medication. This is medication. This is Control 2</p> <p>15 medicine.</p> <p>16 Q Well, what is the difference between controlled medicine</p> <p>17 and a prescription?</p> <p>18 A Prescription is a hard copy you can get from any kind of</p> <p>19 -- of doctor, but I don't -- I did -- the prescription</p> <p>20 came to me, and I couldn't do it. I couldn't do that</p> <p>21 prescription, itself --</p> <p>22 Q Um-hmm.</p> <p>23 A -- because I don't have enough to do it. When I count</p> <p>24 them it was 29. I put the label, like -- like -- like a</p> <p>25 label, there -- there is 39 in the vial. And she</p>	<p style="text-align: right;">Page 148</p> <p>1 Your blah-blah-blah-blah manager always gives something</p> <p>2 in advance. Give what -- give this kind of medication</p> <p>3 in advance."</p> <p>4 I asked her how did she do that.</p> <p>5 She told me something like put in hand and let</p> <p>6 him go.</p> <p>7 I told her she can put medication in hand and</p> <p>8 let him go?</p> <p>9 She said yes. She do that a lot.</p> <p>10 Q What was the medication at issue?</p> <p>11 A Adderall.</p> <p>12 Q And what kind of medication is that?</p> <p>13 A Control 2.</p> <p>14 Q Control 2?</p> <p>15 A Generic Adderall.</p> <p>16 Q Is it a pain medication, or what is it?</p> <p>17 A No. Adderall is something like ADHD. Something like --</p> <p>18 MS. LINDERMAN: It's like --</p> <p>19 THE WITNESS: -- that.</p> <p>20 MS. LINDERMAN: -- an amphetamine --</p> <p>21 MS. HARDY: Pardon me?</p> <p>22 MS. LINDERMAN: -- for --</p> <p>23 MS. HARDY: It's an anti-inflammatory?</p> <p>24 MS. LINDERMAN: No, not --</p> <p>25 MS. HARDY: Not --</p>

<p>Page 149</p> <p>1 MS. LINDERMAN: -- anti-inflammatory. It's 2 like an amphetamine for ADHD. 3 THE WITNESS: Amphetamine. 4 MS. HARDY: Oh. 5 BY MS. HARDY: 6 Q Okay. Did the patient have a prescription for that 7 medication? 8 A No. Because there is 29, and the prescription for 30 9 tablets. 10 Q All right. So you're saying the prescription was for 11 29? 12 A That prescription for 30, and I found that I have 29. 13 So I couldn't fill this -- this prescription. 14 Q All right. But the patient had a prescription for 30 15 tablets or pills? 16 A Yes. 17 Q Okay. Did the patient have insurance coverage as -- as 18 of June 19th? 19 A Yes. He has a -- has coverage there, yes. And the 20 label is coming up and everything is just fine, but I 21 couldn't find enough for him, so I return it back and 22 reverse the claim. 23 Q Did the patient have insurance coverage on June 18, 2013, 24 to your knowledge? 25 MS. LINDERMAN: Objection to form and</p>	<p>Page 151</p> <p>1 BY MS. HARDY: 2 Q All right. How -- how do you know that? 3 A This prescription coming to me with my shift. 4 Q How do you know she gave 10 tablets to somebody who did 5 not have -- 6 A He didn't -- 7 Q -- a prescription? 8 A Ma'am, I think you are confused for a minute. 9 She didn't -- she didn't even see this 10 patient. He didn't come in before. He came to me to 11 fill his prescription. When I tried to process the 12 prescription, there was shortage 10 tablets, and we 13 couldn't give him the -- this -- this. 14 Q Okay. 15 A We couldn't -- 16 Q I got -- 17 A -- give him -- 18 Q -- all that. 19 So -- 20 A Yes. 21 Q -- where do you think the 10 tablets went, the missing 22 10 tablets? 23 A According to what I already have seen, and according to 24 what I already heard about, that's -- there are 10 25 tablets went with -- in advance. It went with another</p>
<p>Page 150</p> <p>1 foundation. You're talking about two different 2 patients, I think. 3 THE WITNESS: Yeah. For this prescription? 4 Yes. And he didn't get it. 5 BY MS. HARDY: 6 Q Are we talking about two different patients? 7 A Yes. 8 Q What -- what -- what two different patients are we 9 talking about? 10 A This patient, even I don't know his name. I don't have 11 any -- 12 Q I'm not asking for the name. I'm trying to -- I'm 13 trying to get a date, and the medication at issue, and 14 the circumstances. 15 A The circumstance around the shortage of 10 tablets in 16 the safe. 17 Q Did that pertain to one patient or two patients? 18 Are you claiming -- 19 MS. LINDERMAN: She's not -- 20 MS. HARDY: -- she gave -- 21 MS. LINDERMAN: -- understanding you. 22 MS. HARDY: -- she gave the 10 tablets to some 23 other patient, other than the patient who had the 24 prescription? 25 THE WITNESS: Yes.</p>	<p>Page 152</p> <p>1 -- another patient. Even I don't know him. 2 Q Okay. And -- but that's your speculation; right? 3 MS. LINDERMAN: Objection to form and -- 4 MS. HARDY: You -- 5 MS. LINDERMAN: -- foundation. 6 BY MS. HARDY: 7 Q You don't know it went -- you're just assuming it went 8 with another patient? 9 A After -- after like -- like one day after this, I found 10 a prescription -- 11 Q No, no. Just answer my question. 12 You -- you don't know where those 10 tablets 13 went and who's responsible for the missing 10 tablets, 14 do you? 15 MS. LINDERMAN: Objection to form and 16 foundation. 17 THE WITNESS: I'm -- I'm 100 percent that that 18 -- that -- that shortage coming from her, because -- 19 BY MS. HARDY: 20 Q Because you think that's the kind of thing she does; 21 right? 22 MS. LINDERMAN: Objection to form and 23 foundation. She's trying to -- 24 THE WITNESS: Because I -- 25 MS. LINDERMAN: -- explain this.</p>

<p>Page 153</p> <p>1 THE WITNESS: -- already got another 2 prescription, that I make it today, it was waiting there 3 in the waiting bin, and there was like a -- like a 4 handwritten there, and it was written on 6/18. 5 And she already jotted down, like, "I gave 6 five tablets from this kind of medication with -- for no 7 charge. This is my initial," and 6/18/2013. 8 This is the first five. This -- this is the 9 first five I already discovered. 10 MS. HARDY: Okay. 11 THE WITNESS: Where is the other five? 12 BY MS. HARDY: 13 Q You don't know? 14 A I don't know. 15 Q All right. So you're claiming there's a document from 16 June 18th, in her handwriting, that confirms that she 17 gave five of the Adderall prescription to a patient 18 other than the person who came in on June 19th with -- 19 A Yes. 20 Q -- the prescription? 21 A Exactly. 22 Q All right. And do you have a copy of that document? 23 A Yes. 24 Q All right. Where is it? 25 A It's with Marla. Ms. -- with my --</p>	<p>Page 155</p> <p>1 MS. HARDY: All right. And -- 2 MS. LINDERMAN: So -- 3 BY MS. HARDY: 4 Q -- what -- what fraud do you claim she -- she committed 5 where she -- who -- who was she defrauding, in your 6 view? 7 MS. LINDERMAN: Objection to form and 8 foundation. 9 BY MS. HARDY: 10 Q Who was she cheating to use another word for fraud? 11 MS. LINDERMAN: Same objection. 12 BY MS. HARDY: 13 Q What -- what's your -- 14 A She -- 15 Q -- theory? 16 A -- said -- she -- she's telling who? I'm not sure who 17 -- what -- what happened with everybody, but I can see 18 this is a big violation to the DEA. You know what? 19 Even with the -- with her handwriting there, she put, 20 like, five tablets or five capsules -- I'm sorry -- for 21 no charge. 22 It is DK, which means -- I'm not sure DK, what 23 does it mean, but this is her initials. I'm sorry. I 24 don't know what does DK mean. But she put, like, DK, 25 and after that she put, like, 6/18/2013. And I found</p>
<p>Page 154</p> <p>1 MS. HARDY: Have you -- 2 THE WITNESS: -- lawyer. 3 MS. HARDY: -- turned that over? 4 MS. LINDERMAN: We have, but we don't have the 5 protective order. I told them we -- that I can't give 6 it to you until we have the protective order, because 7 we're talking about someone's prescription. We -- 8 MS. HARDY: You're giving it back to the place 9 where it should have stayed from the beginning. 10 MS. LINDERMAN: Actually, under the 11 Medicare/Medicaid law, if she gives it directly to me, 12 if she's looking into fraud, that's absolutely okay. 13 And I cannot give it to you until we have the protective 14 order. 15 MS. HARDY: All right. I would submit that 16 she wasn't supposed to take it in the first place -- 17 MS. LINDERMAN: No -- 18 MS. HARDY: -- from -- 19 MS. LINDERMAN: -- there's -- 20 MS. HARDY: -- Walgreen's. 21 MS. LINDERMAN: There's actually a law that 22 protects what she did. She's allowed to go in and get 23 it, and give it to an attorney if she's investigating 24 fraud, which is what she was doing. I've had to deal 25 with that issue before.</p>	<p>Page 156</p> <p>1 this kind of five tablets, and after that I found what? 2 I found that the patient, after seven days, 3 she called me by mistake, and she called me and was -- 4 was screaming over the phone, "Ma'am." 5 "Yes, ma'am. Can you just -- I'm sorry for 6 that, but can -- I -- I want to hear you. I -- I'm -- 7 I'm totally for you. What -- what you want me to do, 8 I'm going to do it." 9 She said, "Is there any other pharmacist 10 there?" 11 I told her, "Yes, there is another manager." 12 She said, "Is this the first time she work in 13 a pharmacy or something?" 14 I said, "Ma'am, she is a supervisor, and she's 15 a pharmacy manager here. Can you just let me know 16 what's going on?" 17 She told me, "I need another five tablets from 18 my medication. I'm totally out. Or you know what? 19 Give me back my prescription." 20 "How to give you back your prescription? And 21 even I don't know how many did you get from me? And are 22 you going to -- to -- to give me the tablets you already 23 got from us, and you are going get the prescription from 24 me and go to another pharmacy just to -- to fill it out. 25 And what about my pharmacy? This makes me scary [sic]."</p>

<p style="text-align: right;">Page 157</p> <p>1 You know, it is coming like this stuff, I --</p> <p>2 even I can't -- I couldn't go with that. So I tried to</p> <p>3 tell her, "Ma'am, I'm so sorry for -- for your</p> <p>4 inconvenience, but can you give me just one day just to</p> <p>5 try to help you?"</p> <p>6 Q Okay. Are you doing a hypothetical here? Is that what</p> <p>7 this is all about? What -- what are you referring to</p> <p>8 right now?</p> <p>9 MS. LINDERMAN: She's asking, was this someone</p> <p>10 you actually had a conversation with?</p> <p>11 THE WITNESS: I'm sorry.</p> <p>12 BY MS. HARDY:</p> <p>13 Q The five --</p> <p>14 A I'm sorry.</p> <p>15 Q The five pills that you claim Ms. Spencer dispensed to a</p> <p>16 patient, prior to June 19th, that caused part of the</p> <p>17 shortage on June 19th, do you know whether or not that</p> <p>18 person had a prescription for that medication?</p> <p>19 A I just left the pharmacy without even getting the</p> <p>20 answer.</p> <p>21 MS. HARDY: All right. Why don't we take a</p> <p>22 lunch break?</p> <p>23 THE VIDEOGRAPHER: Okay. This completes disc 2.</p> <p>24 We're off the record at 12:57 p.m.</p> <p>25</p>	<p style="text-align: right;">Page 159</p> <p>1 and all the details, but just to give me a description</p> <p>2 of what the inappropriate conduct was. Then I'm going</p> <p>3 to move on, and I'm going to ask you questions, which is</p> <p>4 "How did you learn about that?" "When did you learn</p> <p>5 about that?" "Why do you believe it was a violation of</p> <p>6 a regulation or a law?"</p> <p>7 So there's going to be separate questions, and</p> <p>8 I just want you to respond to the question I ask. And</p> <p>9 then when we get toward the end, if you have anything</p> <p>10 further to add, I'll ask you that and you'll be able to</p> <p>11 add whatever you want. Okay?</p> <p>12 MS. LINDERMAN: Can I add one thing?</p> <p>13 MS. HARDY: Sure.</p> <p>14 MS. LINDERMAN: Also, do not assume that any</p> <p>15 lawyer knows pharmacy law. Okay? So don't make any</p> <p>16 assumptions if you need to explain it.</p> <p>17 THE WITNESS: Okay.</p> <p>18 BY MS. HARDY:</p> <p>19 Q So let's start with a list of what it is you claim</p> <p>20 Donna Spencer did in connection with dispensing</p> <p>21 prescription drugs at Walgreen that is either a</p> <p>22 violation of a law or a -- a regulation. Give me a list</p> <p>23 of her improper conduct.</p> <p>24 A Okay. One, Donna give the customer a Control 2</p> <p>25 substance without giving the patient a label listed on</p>
<p style="text-align: right;">Page 158</p> <p>1 (Whereupon a break was taken</p> <p>2 from 12:57 p.m. to 2:12 p.m.)</p> <p>3 THE VIDEOGRAPHER: We are back on the record</p> <p>4 at 2:12. This is disc 3 of the deposition of</p> <p>5 Mervat Mikhaeil. Please proceed.</p> <p>6 BY MS. HARDY:</p> <p>7 Q I want to start over, again, on the issue I was covering</p> <p>8 before the lunch break about Donna Spencer. And I want</p> <p>9 to give you some instructions, again, about how we'll</p> <p>10 proceed, and then hope that we can proceed in a more</p> <p>11 efficient fashion.</p> <p>12 Now, I'm going to give you a chance to explain</p> <p>13 whatever it is you want to explain, but instead of</p> <p>14 trying to do it all upfront, you've got to let me ask my</p> <p>15 question, respond to my question, and then you'll have a</p> <p>16 chance -- after I get through my initial questions -- to</p> <p>17 say whatever you want about the facts and circumstances.</p> <p>18 But when I ask you a very specific question</p> <p>19 such as, "Identify what it is Donna Spencer did that you</p> <p>20 believe was a violation of a rule, regulation, or the</p> <p>21 law with respect to the dispensing of drugs," I want you</p> <p>22 to give me a short answer that identifies what she did</p> <p>23 that you are claiming was a violation of the law or</p> <p>24 regulation.</p> <p>25 Not to give me everything about what happened</p>	<p style="text-align: right;">Page 160</p> <p>1 the -- on the vial. So it is one of the violations.</p> <p>2 Q Okay. Just hold on for a moment while I write that</p> <p>3 down. And that -- that is a violation, in and of</p> <p>4 itself, in your view?</p> <p>5 A Yes.</p> <p>6 Q Okay. Did she do anything else that you consider to be</p> <p>7 a violation of the law or a regulation?</p> <p>8 A Second, she didn't fill the rest of the prescription,</p> <p>9 the Control 2 substance, within 72 hours.</p> <p>10 Q Okay. Is there anything else she did --</p> <p>11 A She --</p> <p>12 Q -- that's responsive to my question?</p> <p>13 A I just want to ask one question? I have to tell</p> <p>14 everything about a lot of prescription, or just one</p> <p>15 prescription?</p> <p>16 Q Just give me the -- the general descriptions of the</p> <p>17 violations, and then I'll go back and get the details</p> <p>18 when -- when we're done with your list.</p> <p>19 A Okay.</p> <p>20 MS. LINDERMAN: So all the prescriptions. Not</p> <p>21 just one. She wants --</p> <p>22 THE WITNESS: Okay.</p> <p>23 MS. LINDERMAN: -- to know every --</p> <p>24 THE WITNESS: I thought --</p> <p>25 MS. LINDERMAN: -- single one.</p>

<p style="text-align: right;">Page 161</p> <p>1 THE WITNESS: -- I -- I thought I understood</p> <p>2 from here.</p> <p>3 Third, she did Medicare/Medicaid fraud,</p> <p>4 because -- that's it.</p> <p>5 MS. HARDY: Okay.</p> <p>6 THE WITNESS: Fourth, she changed an instruction</p> <p>7 of use of Control 2 medications.</p> <p>8 BY MS. HARDY:</p> <p>9 Q She changed what?</p> <p>10 A The instruction of use for Control 2 medications without</p> <p>11 getting information from the doctor, himself.</p> <p>12 Q Okay. Is there anything else?</p> <p>13 A Fifth, she stuck -- she put two labels and just one</p> <p>14 prescription for Control 2.</p> <p>15 Q She put two labels in just one prescription?</p> <p>16 A Just one hard copy, and she give the one hard copy two</p> <p>17 prescription numbers.</p> <p>18 Q I don't understand. Can you -- can you try to explain</p> <p>19 it, again, please?</p> <p>20 A This kind of prescription 2 medication, it's supposed to</p> <p>21 give you an X number or prescription number 1. I cannot</p> <p>22 give you this kind of prescription like number 1 and</p> <p>23 number 2. If you need another -- more -- more tablets</p> <p>24 from this kind of medication, supposed to give me</p> <p>25 another prescription from your doctor.</p>	<p style="text-align: right;">Page 163</p> <p>1 Q Um-hmm.</p> <p>2 A If you are okay with that, I'm going to give you</p> <p>3 30 tablets. If you want the whole amount, 60, you have</p> <p>4 to pay from your pocket.</p> <p>5 Q Um-hmm.</p> <p>6 A Maybe you are going to ask me to -- "Can you give me the</p> <p>7 30 with the insurance, and I can pay the other 30 from</p> <p>8 my" --</p> <p>9 Q Um-hmm.</p> <p>10 A -- "pocket?"</p> <p>11 "I cannot do that, ma'am. You have to go back</p> <p>12 to your doctor to give you another prescription with</p> <p>13 another quantity."</p> <p>14 This is Control 2. This is not something</p> <p>15 flexible.</p> <p>16 Q All right. But -- but the patient in your scenario had</p> <p>17 a prescription for 60, the patient just didn't have</p> <p>18 insurance coverage for 60?</p> <p>19 A Yes, exactly. So you can pay it as a cash, but I cannot</p> <p>20 split it into two halves. One with a prescription</p> <p>21 number, and the other one as cash with another</p> <p>22 prescription number. This is just one hard copy. It's</p> <p>23 supposed to go with one prescription number.</p> <p>24 Q So what -- what was the problem with doing what she did?</p> <p>25 I mean, did it -- the patient got what the patient was</p>
<p style="text-align: right;">Page 162</p> <p>1 Q So she filled -- she gave a patient too many pills for</p> <p>2 one prescription when it should have been separated into</p> <p>3 two separate?</p> <p>4 A It's supposed to be, like, two prescriptions.</p> <p>5 Q Um-hmm.</p> <p>6 A And she give the patient the medication with two</p> <p>7 numbers. This is not allowed with the DEA law.</p> <p>8 Q I -- that -- I'm not -- still not tracking. If she had</p> <p>9 two prescriptions for one patient, and she gave that</p> <p>10 patient two different numbers, what's inappropriate</p> <p>11 about that?</p> <p>12 A This -- let -- let me give you an example.</p> <p>13 If this prescription coming like Adderall,</p> <p>14 20 milligrams --</p> <p>15 Q Um-hmm.</p> <p>16 A -- and your doctor give you, like, 60 tablets, and</p> <p>17 supposed to be twice daily, one in the morning and one</p> <p>18 before sleeping. And when I try it with your insurance,</p> <p>19 your insurance didn't accept it like 60. They transfer</p> <p>20 to me that we just accept 30 tablets from this kind of</p> <p>21 medication.</p> <p>22 I have to return it to you and tell you what I</p> <p>23 already got from your insurance. Your insurance didn't</p> <p>24 accept this amount from your medication. Your insurance</p> <p>25 just accept 30 tablets.</p>	<p style="text-align: right;">Page 164</p> <p>1 entitled to get; right?</p> <p>2 A Yes.</p> <p>3 Q Okay. But -- so what was the problem?</p> <p>4 MS. LINDERMAN: Objection to form and</p> <p>5 foundation. You can answer.</p> <p>6 THE WITNESS: According to the law, this is</p> <p>7 not my law. This is coming, like, DEA law. It's</p> <p>8 supposed to give me a hard copy for one prescription</p> <p>9 number. If you want more, give me another hard copy to</p> <p>10 give you more.</p> <p>11 BY MS. HARDY:</p> <p>12 Q But doesn't -- didn't the patient come in with --</p> <p>13 according to your scenario -- a prescription for 60</p> <p>14 tablets?</p> <p>15 A Exactly.</p> <p>16 Q Okay.</p> <p>17 A That's what I am trying to tell you. This is optional</p> <p>18 for you. You want to get 30 tablets with your -- your</p> <p>19 insurance, that's what your insurance can cover and you</p> <p>20 can lose the other 30, or you want that whole 60, but</p> <p>21 you have to pay it as a cash.</p> <p>22 Q Okay. Is there any -- anything else that you claim --</p> <p>23 A No.</p> <p>24 Q All right. So you -- there's five different categories</p> <p>25 of misconduct that you are attributing to Donna Spencer</p>

<p style="text-align: right;">Page 165</p> <p>1 with respect to how she dispensed prescription medications?</p> <p>2 A Exactly.</p> <p>3 Q All right. All right. Let's go back to your first</p> <p>4 point. You -- you keep using the word "Control 2." Do</p> <p>5 you mean Schedule 2?</p> <p>6 A Schedule 2 or Control 2. They're the same.</p> <p>7 Q They're the same in your -- in your verbiage?</p> <p>8 A This -- with all pharmacists, we call them "Control 2."</p> <p>9 Q Okay.</p> <p>10 A But maybe, you know, as a schedule -- it is coming like --</p> <p>11 like a schedule with the law.</p> <p>12 Q All right. Well -- and -- and you're positive that the</p> <p>13 regulations use Control 2 synonymous with Schedule 2?</p> <p>14 A Yes. Control 2 or Schedule 2. You can use whatever is</p> <p>15 easy for you; Control 2 or Schedule 2.</p> <p>16 Q All right. Well, for the purposes of this deposition,</p> <p>17 we'll assume Control 2 and Schedule 2 are the same. I</p> <p>18 don't know if that's, in fact, the case, but for the</p> <p>19 purposes of these questions, I'm going to use Control 2,</p> <p>20 and -- because you're using that, and we're going to</p> <p>21 assume that that's the same as Schedule 2.</p> <p>22 A Yes.</p> <p>23 MS. LINDERMAN: I don't have a problem with</p> <p>24 that. I've never heard it referred to as anything but</p> <p>25 "Control 2" in my depositions that I've done, so...</p>	<p style="text-align: right;">Page 167</p> <p>1 MS. LINDERMAN: Same objection.</p> <p>2 THE WITNESS: The one which I already --</p> <p>3 BY MS. HARDY:</p> <p>4 Q Is -- is the -- is the first one June 18, 2013?</p> <p>5 A June 19th, yes.</p> <p>6 Q I'm not talking about when you discovered it. I'm --</p> <p>7 I'm -- I'm referring to when she engaged in the actions</p> <p>8 that you consider --</p> <p>9 A I --</p> <p>10 Q -- violative of the law or a regulation?</p> <p>11 A Maybe before what I already discovered. I already</p> <p>12 discovered that on June 19th.</p> <p>13 Q All right. So you discovered it on June 19th, and it</p> <p>14 occurred sometime prior to June 19th?</p> <p>15 A I'm not sure if it supposed to be before that she</p> <p>16 already did --</p> <p>17 Q All right.</p> <p>18 A -- something like this or not. I'm not sure.</p> <p>19 Q All right. Is --</p> <p>20 A I'm sorry.</p> <p>21 Q -- that -- is that the medication you were testifying</p> <p>22 about before the lunch break?</p> <p>23 A Yes --</p> <p>24 Q Okay.</p> <p>25 A -- it was --</p>
<p style="text-align: right;">Page 166</p> <p>1 I'm okay with it meaning the same thing if you</p> <p>2 want.</p> <p>3 MS. HARDY: Tom, you can speak to this. Are</p> <p>4 you --</p> <p>5 MR. DAVIS: I've -- I've heard Schedule 2. I</p> <p>6 believe that's the way it's written in the regulations,</p> <p>7 but it doesn't matter if that's how we want to -- if</p> <p>8 it's put on as the same thing, that's fine.</p> <p>9 BY MS. HARDY:</p> <p>10 Q All right. Let's take your -- your first point that she</p> <p>11 did not properly label on the vial Control 2 medications</p> <p>12 that she was dispensing.</p> <p>13 How many times do you claim she committed that</p> <p>14 alleged misconduct?</p> <p>15 A As I know, it is twice. But how many before that, I</p> <p>16 don't know.</p> <p>17 Q Well, let's only deal with what you claim you know.</p> <p>18 What are the dates when you claim she engaged</p> <p>19 in that conduct?</p> <p>20 MS. LINDERMAN: Objection to form and</p> <p>21 foundation.</p> <p>22 BY MS. HARDY:</p> <p>23 Q When is it, to your knowledge, that she dispensed</p> <p>24 Control 2 medications without properly labeling the</p> <p>25 vial?</p>	<p style="text-align: right;">Page 168</p> <p>1 Yes. The -- the one who called me? Yes.</p> <p>2 Q Okay.</p> <p>3 A The one who called me. She already give me the -- the</p> <p>4 -- the -- she give me that -- this kind of -- of</p> <p>5 something I can catch. You know, she just asked for</p> <p>6 something. She already got it before.</p> <p>7 Q Okay. Spell the medication.</p> <p>8 A I don't have that prescription, even, so I -- what I</p> <p>9 know is this coming, like, Adderall. That's what I</p> <p>10 know. It's Adderall.</p> <p>11 For this patient on 6/19?</p> <p>12 Q Um-hmm.</p> <p>13 A Adderall.</p> <p>14 Q And that's the patient that you were missing 10 tablets</p> <p>15 that were needed for the full --</p> <p>16 A That's what I can --</p> <p>17 Q -- prescription?</p> <p>18 A You know, the shortage was from Adderall, and the -- the</p> <p>19 patient was on Adderall. It is the same strength? I'm</p> <p>20 not sure. Maybe 20, maybe 30. I'm not -- I'm not sure.</p> <p>21 But the shortage was in 10 tablets here, and she asked</p> <p>22 for Adderall, like, another five. Did she give her two</p> <p>23 fives? I'm not sure.</p> <p>24 Q All right. But, now, the first violation that you're</p> <p>25 pointing to is that Ms. Spencer did not properly label</p>

<p style="text-align: right;">Page 169</p> <p>1 the vials when she dispensed medication.</p> <p>2 What did she do in connection with the</p> <p>3 Adderall that -- prescription that you discovered on</p> <p>4 June 19th that was a mislabeling of a vial?</p> <p>5 A That's what I want just to make it clear a little bit.</p> <p>6 I discovered, on June 19th, that there is</p> <p>7 shortage in the Control 2 substance, or Schedule 2</p> <p>8 substance, whatever you want to call it. But it is</p> <p>9 coming, like, 10 tablets from Control 2 substance.</p> <p>10 It -- that -- that one who already got it, got</p> <p>11 it on 6/18, according to her handwriting. It was in</p> <p>12 front of me, but I didn't discover that. It was in</p> <p>13 front of me, the prescription, itself, handwritten,</p> <p>14 everything, it was in front of me in the -- in the bin,</p> <p>15 the prescription bin.</p> <p>16 But I didn't get that -- this prescription,</p> <p>17 before she called me, something like June -- one week</p> <p>18 after -- she called me one week after to get more</p> <p>19 medication.</p> <p>20 Q You're talking about the patient?</p> <p>21 A This patient, yes.</p> <p>22 Q Okay.</p> <p>23 A She called me, like, a little bit after. But I already</p> <p>24 got the -- there's something wrong here. When I just</p> <p>25 touched it there's shortage. Touched it and there is</p>	<p style="text-align: right;">Page 171</p> <p>1 with insurance. There is no label coming up from that</p> <p>2 -- that -- that printer, without giving cash or giving</p> <p>3 me the insurance. If it go through the insurance, by</p> <p>4 itself it will come up.</p> <p>5 If the insurance refused to cover it, I am --</p> <p>6 I have to ask you, "Ma'am, you want me to do it as a</p> <p>7 cash?"</p> <p>8 You are going to say "yes" or "no."</p> <p>9 Q Okay. I -- I got all that. That -- that -- that's not</p> <p>10 the focus right now.</p> <p>11 The focus is, who did she give medications to</p> <p>12 without putting a label on the vial?</p> <p>13 A Okay.</p> <p>14 MS. LINDERMAN: Objection to form and</p> <p>15 foundation. Are you asking her for the name?</p> <p>16 MS. HARDY: Well, a -- a date or some</p> <p>17 identification. I mean, I don't -- I don't understand</p> <p>18 since she had nothing -- she doesn't know anything about</p> <p>19 what happened prior to June 19th, other than the note</p> <p>20 that she saw that five tablets were dispensed. How does</p> <p>21 she know --</p> <p>22 THE WITNESS: This is --</p> <p>23 MS. LINDERMAN: Wait, hold on.</p> <p>24 MS. HARDY: How does she know that there was</p> <p>25 not a proper label on the vial when the five tablets</p>
<p style="text-align: right;">Page 170</p> <p>1 shortage in a Control 2 substance. The medication in</p> <p>2 the safe, there is shortage in that.</p> <p>3 Q All right. But this is supposed to be an example of</p> <p>4 Ms. Spencer improperly labeling the vial when she gave</p> <p>5 the medication to the patient.</p> <p>6 MS. LINDERMAN: I'm --</p> <p>7 BY MS. HARDY:</p> <p>8 Q What -- what did she do, in connection with this</p> <p>9 incident, that you believe was improperly labeling the</p> <p>10 vial?</p> <p>11 A This --</p> <p>12 MS. LINDERMAN: Hold on. I'm going to object</p> <p>13 to form and foundation. I think you're asking the</p> <p>14 question backwards. She's not saying there's anything</p> <p>15 wrong with labels. It's there wasn't a label.</p> <p>16 BY MS. HARDY:</p> <p>17 Q Or without a label. Whatever.</p> <p>18 I mean, something about the labeling of the</p> <p>19 vial was wrong; right? That -- that's what --</p> <p>20 A There's --</p> <p>21 Q -- you're claiming?</p> <p>22 A -- no label. You -- you can --</p> <p>23 Q How do you know there was no label on -- on the vial?</p> <p>24 A That's what I told you. When you get that prescription</p> <p>25 with a label, it's supposed to pay cash or let it go</p>	<p style="text-align: right;">Page 172</p> <p>1 were dispensed?</p> <p>2 MS. LINDERMAN: I think this may be a document</p> <p>3 you actually have. If -- if -- if you give it to her.</p> <p>4 If you have the photo --</p> <p>5 MS. HARDY: Um-hmm.</p> <p>6 MS. LINDERMAN: -- I believe that's the</p> <p>7 prescription we're talking about today -- that -- in</p> <p>8 this instance.</p> <p>9 MS. HARDY: Yes.</p> <p>10 THE WITNESS: Can --</p> <p>11 MS. LINDERMAN: And then she'd be able to tell</p> <p>12 you that information.</p> <p>13 THE WITNESS: Can I tell you about the process</p> <p>14 of the prescription? When the prescription coming to</p> <p>15 you, and it went through the insurance, you are going to</p> <p>16 put the label here, and with our X number, and all kinds</p> <p>17 of your information that's information --</p> <p>18 MS. HARDY: Um-hmm.</p> <p>19 THE WITNESS: -- for you and your medication</p> <p>20 and that's also on the label.</p> <p>21 MS. HARDY: Right.</p> <p>22 THE WITNESS: If there is no label coming up,</p> <p>23 I will do something like this. I give her this stuff in</p> <p>24 here for what? I -- she just jotted down there. I give</p> <p>25 her this kind of medication and the number. It was this</p>

<p style="text-align: right;">Page 173</p> <p>1 amount, and this is my initial, and this is my date. 2 And on the other side, she put prior 3 authorization required. You know meaning -- what the 4 meaning of prior authorization? Prior authorization, 5 this means your doctor, your primary, your physician, is 6 supposed to call that insurance, "I -- I accept to give 7 this medication to my patient because she needs it. Can 8 you just let her go through it?" 9 So after done with all this kind of 10 medication, they are going to call me as a pharmacist to 11 give me code number. I have to put it with my system, 12 so the printer will give me the label. I will put the 13 label around the vial, and put the other label here on 14 the prescription, and after that I file it in the -- in 15 the -- in the drawer, because everything is just fine. 16 The name of that -- that prescription, the 17 number's there, everything goes through it. The 18 insurance covered and the insurance said -- 19 BY MS. HARDY: 20 Q Well, what -- what if insurance -- what -- what if 21 Ms. Spencer gave five tablets, on June 18, 2013, to a 22 patient who had a valid prescription, who did not have 23 insurance approval, at the time, and she was given five 24 tablets to tide that person through until they could 25 fill the rest of their prescription?</p>	<p style="text-align: right;">Page 175</p> <p>1 MS. HARDY: Tom, would you get -- would you 2 get the darn document? 3 MR. DAVIS: Which one do you want? 4 MS. HARDY: The -- the -- the one from 6/18. 5 MS. DAVIS: The email letter? 6 MS. HARDY: Yeah. Not the email, but the -- 7 the -- the -- the -- 8 MR. DAVIS: The prescription? 9 MS. HARDY: The prescription, yeah. 10 MR. DAVIS: Okay. 11 MS. HARDY: Let's go off the record. 12 THE VIDEOGRAPHER: Off the record at 2:32. 13 (Whereupon a break was taken 14 from 2:32 p.m. to 2:35 p.m.) 15 THE VIDEOGRAPHER: Back on the record at 2:35. 16 Go ahead. 17 MS. HARDY: Let the record reflect that I've 18 marked, as Deposition Exhibit No. 3, a document which 19 has been stamped "Confidential: Subject to a Protective 20 Order." It is a redacted prescription dated 5/17/13 and 21 it -- 22 MS. LINDERMAN: 5/17 or 6/17? 23 MS. HARDY: 5/17. 24 MR. DAVIS: There's two different ones here. 25 MS. LINDERMAN: I don't think we're talking</p>
<p style="text-align: right;">Page 174</p> <p>1 What are you claiming she had to do, other 2 than what she did, in terms of writing the note down and 3 indicating that she'd given the five tablets? 4 A I'm -- 5 MS. LINDERMAN: Objection to form and 6 foundation. 7 THE WITNESS: "I'm sorry, ma'am. I cannot 8 give you -- I cannot fill this prescription. It didn't 9 go through it. Do you want to pay -- to pay from your 10 pocket?" 11 BY MS. HARDY: 12 Q No, I -- yeah, I don't need to hear that all -- all over 13 again. I mean, I understand you said if you want to pay 14 from your pocket, or if you want to have insurance. 15 But what if it's a situation where they have a 16 valid prescription, and they're being given pills on a 17 short-term basis to tide them over until they get an 18 answer on insurance? You've -- you've acknowledged that 19 that's proper to do. Now, the question is: 20 What -- what is she supposed to do in terms of 21 labeling of a vial when she gives those, you know, five 22 pills to just tide someone through? 23 MS. LINDERMAN: Objection to form and 24 foundation. 25 THE WITNESS: What she can do?</p>	<p style="text-align: right;">Page 176</p> <p>1 about -- 2 MR. DAVIS: There's two different ones -- 3 MS. LINDERMAN: -- the right one. 4 MR. DAVIS: -- and that's the one we're 5 talking about (counsel indicating). 6 MS. HARDY: Well -- well, let me finish my -- 7 MS. LINDERMAN: Okay. 8 MS. HARDY: -- description. 9 It's dated 5/17/13. 10 (Marked for identification: 11 Deposition Exhibit No. 3.) 12 MS. HARDY: I'm marking, as Deposition Exhibit 13 No. 14 -- or 4, a second redacted prescription, which is 14 stamped "Confidential: Subject to a Protective Order," 15 and that one is dated 6/18, and it does not have a year. 16 It just has a "1" and does not have whatever the second 17 number should be on the copy. 18 (Marked for identification: 19 Deposition Exhibit No. 4.) 20 MS. HARDY: I'm going to show a copy of 21 Exhibit No. 4 to the witness and to counsel. 22 BY MS. HARDY: 23 Q And I'd like you to identify if this is the prescription 24 that you have been referring to in your testimony. 25 A Um-hmm.</p>

<p style="text-align: right;">Page 177</p> <p>1 MS. LINDERMAN: Well, we will be able to read 2 a better copy, actually. So I can say, for the record, 3 it is a "3" at the end. 4 BY MS. HARDY: 5 Q All right. And it does say in handwriting: 6 PA needed - called 6/18/13. 7 So I think that helps confirm that this is 8 from the year 2013. 9 Now, is this the prescription that you have 10 just been referring to in your testimony that -- 11 A Yes. 12 Q -- concerns Adderall? 13 A Um-hmm. 14 Q And is this the one where -- 15 MS. LINDERMAN: You have to say "yes." 16 BY MS. HARDY: 17 Q -- there was supposed to be 39 pills dispensed, and 18 there was only 29 available? 19 MS. LINDERMAN: Objection -- 20 MS. HARDY: Or, actually, it says 21 "Quantity: 30" on -- on this. 22 MS. LINDERMAN: Objection to form and 23 foundation. This is the one that gets filled. There's 24 another one she couldn't fill. This is the one that 25 gets the five. It makes it so she can't fill it.</p>	<p style="text-align: right;">Page 179</p> <p>1 Exhibit No. 5, or are they referenced in Exhibit No. 5? 2 A There is two prescription numbers there, so these two 3 numbers are here right now in front of you. 4 Q Let me repeat my question. It might not have been 5 clear. 6 You refer, in Exhibit No. 5, to two 7 prescriptions; correct? 8 A Yes. 9 Q And are those two prescriptions Exhibit No. 3 and 10 Exhibit No. 4? 11 A Yes. 12 Q Okay. All right. Now, let's go over Exhibit No. 5 and 13 what you report to Amy Yadmark on June 25, 2013 about 14 Exhibits No. 3 and 4. You -- you tell her that you have 15 a question about whether or not there's any laws that 16 have been violated in connection with these two 17 prescriptions; correct? 18 A Yes. 19 Q Okay. So at the time you contact Amy, on June 25th, you 20 don't know whether Ms. Spencer's actions, in connection 21 with 3 and 4, are improper or illegal or violative of 22 any regulation? 23 MS. LINDERMAN: Objection -- 24 BY MS. HARDY: 25 Q You're just -- you're asking a question, at that point;</p>
<p style="text-align: right;">Page 178</p> <p>1 BY MS. HARDY: 2 Q All right. Was there -- is this the only prescription, 3 or were there others for this particular patient and 4 this particular drug in the time frame of June 2013? 5 A This -- this prescription may be the only one in our 6 store, in our home store. She already got this 7 prescription before from another store related to 8 Walgreen's. 9 Q Let me show you Exhibit No. 3 -- 10 A Um-hmm. 11 Q -- and your counsel, which is the prescription dated 12 5/17/13. 13 A Um-hmm. 14 MS. HARDY: And let me show you an email that 15 you sent to Amy Yadmark on June 25, 2013, and I'm 16 marking this as Deposition Exhibit No. 5, and giving you 17 a copy and a copy for your counsel. 18 (Marked for identification: 19 Deposition Exhibit No. 5.) 20 BY MS. HARDY: 21 Q Let's go -- let's start with the email. 22 Is this an email that you drafted and sent to 23 Amy Yadmark or Yadmark? 24 A Yes. 25 Q All right. And do Exhibit No. 3 and 4 belong to</p>	<p style="text-align: right;">Page 180</p> <p>1 correct? 2 MS. LINDERMAN: Objection to form and 3 foundation. 4 THE WITNESS: For -- as I know, at this time, 5 this one, it is a violation. 6 BY MS. HARDY: 7 Q Yeah. I don't want to know at this time. 8 I'm talking about on June 25th when you -- 9 MS. LINDERMAN: That's what -- 10 MS. HARDY: -- write to -- 11 MS. LINDERMAN: -- she's saying. 12 MS. HARDY: -- Amy -- 13 MS. LINDERMAN: That's what she's answering, 14 "at this time." She even pointed to it. 15 MS. HARDY: Well, we just need to be clear, 16 because "at this time" is ambiguous when you're 17 testifying, unless I know precisely what you're 18 referring to. 19 BY MS. HARDY: 20 Q When you wrote your email on June 25, 2003 [sic], you 21 are asking the question: 22 "I would like to know if this is connected to 23 any laws and how I should deal with it." 24 So isn't it correct that, at that point in 25 time, when you send these on to Amy, you don't know what</p>

<p style="text-align: right;">Page 181</p> <p>1 laws or regulations may or may not have been violated; 2 correct? 3 MS. LINDERMAN: Objection to form and 4 foundation. 5 THE WITNESS: Okay. 6 MS. HARDY: Just answer "yes" or "no." 7 THE WITNESS: I know the answer, this is kind 8 of a regulation, but I tried to get the answer from my 9 supervisor. If -- 10 MS. HARDY: Well -- 11 THE WITNESS: -- there's -- if -- if -- if 12 there's something supposed to happen even there or not? 13 BY MS. HARDY: 14 Q If you knew the answer on June 25th, as to whether a 15 rule or regulation had been violated, why didn't you 16 tell Amy as opposed to asking it as if you didn't know? 17 A This question just to ask her to give me the answer, but 18 I'm surprised when I got the answer on June 28th. 19 She told me -- we were there in her office, 20 and she told me that, "We treat Control 2 substance as 21 aspirin. We don't care about this -- the Control 2 22 substance as much. And what I wanted to tell you, right 23 now, it is not a big deal." 24 And she already know how to deal with 25 Control 2. She was a supervisor for a while. And I</p>	<p style="text-align: right;">Page 183</p> <p>1 MS. LINDERMAN: Yeah, that's fine. I just -- 2 normally, they -- 3 THE WITNESS: This is -- 4 MS. LINDERMAN: -- would get the one -- 5 THE WITNESS: This -- 6 MS. LINDERMAN: -- that's actually -- 7 THE WITNESS: This is the label? Number 5? 8 MS. LINDERMAN: Let -- let me do it, please. 9 Normally, you give the witness the actual document to 10 make sure that -- 11 MS. HARDY: You know, I -- I stopped doing 12 that, years ago, because they started writing on the 13 originals and then we had to recopy them all. 14 MS. LINDERMAN: I -- I see that. I'll just 15 make sure to look at them before we leave, so -- just to 16 make sure. Exhibit -- 17 MS. HARDY: Exhibit 3 -- 18 THE WITNESS: Five -- 19 MS. HARDY: -- is 5/17/13. 20 MS. LINDERMAN: Exhibit 4? This one, which is 21 4, is -- and so Adderall is 4. Concerta is 3. This is 22 exhibit -- no, these are mine, Exhibits 1 and 2. 23 Now we're getting things all confused here. 24 Her resume was 1, and her application was 2? 25 MS. HARDY: Her resume was 1, her application</p>
<p style="text-align: right;">Page 182</p> <p>1 think you have to follow the rule she already put. This 2 -- there is no pharmacist, all over the state, can 3 follow this kind of rule. 4 If the dose like aspirin there, there is no 5 DEA for aspirin. But pretty sure that there is DEA for 6 Control 2 substance. It is a very restricted law. 7 Q When you first started to testify about Exhibit No. 3, 8 and -- or 4, I should say -- following the lunch break, 9 you indicated that it was an example of when 10 Donna Spencer failed to label a vial when she was 11 dispensing medication. What does that issue have to do 12 with the issues that you raised in connection with 13 Exhibit No. 5? 14 A Number 5? Which one? 15 Q Number 5 is -- is this document in front of you. 16 A This one? 17 Q Yes. That concerns -- 18 MS. LINDERMAN: Hold on. 19 MS. HARDY: -- Exhibits 3 and 4. 20 MS. LINDERMAN: Oh, when you're handing her 21 the documents, they aren't labeled. That's a problem. 22 MS. HARDY: Yeah. She -- she needs to label 23 them, herself, because I'm keeping the originals over 24 here for the court reporter just so no one marks on 25 them. So just have her -- can you write for her --</p>	<p style="text-align: right;">Page 184</p> <p>1 is 2, correct. 2 MS. LINDERMAN: Okay. Memory did not fail me. 3 Okay. There. We're all dealing with the same thing. 4 BY MS. HARDY: 5 Q Exhibit No. 5 makes no reference, at least to my 6 knowledge, to the failure to properly label the vial in 7 which prescription medications are being dispensed? 8 A Yes. 9 MS. LINDERMAN: Wait. 10 BY MS. HARDY: 11 Q Wait, wait. Where does it -- where does it -- 12 MS. LINDERMAN: Objection to -- 13 MS. HARDY: -- indicate that? 14 MS. LINDERMAN: -- form and foundation. 15 THE WITNESS: Where can I find that -- 16 MS. HARDY: Yeah. 17 THE WITNESS: -- with the prescription -- 18 MS. HARDY: Yeah. 19 THE WITNESS: -- itself? 20 BY MS. HARDY: 21 Q No. In -- in -- in Exhibit No. 5 -- 22 A Yes. 23 Q -- which is when you complained to Amy about 24 Ms. Spencer's conduct in connection with Exhibits 3 and 4 -- 25 A You know, I --</p>

<p style="text-align: right;">Page 185</p> <p>1 Q -- you don't make any mention of the fact that this 2 involves a violation concerning how the label is vialled 3 -- or how the vial is labeled. 4 MS. LINDERMAN: Objection to form and 5 foundation. 6 THE WITNESS: Okay. Maybe I didn't mention 7 that in -- in this email. This is -- for a long time, 8 even, I didn't read it, because even it is not with me 9 right now. But anyway, when I say that this one didn't 10 go through it, or that one didn't go through it, which 11 means that the two prescriptions don't have our X number 12 at this time. Because there was one there, it was from 13 me. 14 BY MS. HARDY: 15 Q That's Exhibit No. 3; correct? 16 A Yes. Exhibit No. 3. 17 So I can find that -- I asked the technician 18 to try to find... 19 (Witness reading from document.) 20 Okay. Okay. Okay, ma'am. This one, it was 21 -- it was Exhibit No. 3, it -- it was processed and 22 everything was just fine. 23 Q All right. What -- what medication does Exhibit No. 3 24 concern? 25 A I think Concerta.</p>	<p style="text-align: right;">Page 187</p> <p>1 Q All right. And then she signed it at that -- and 2 initialed it? 3 A Yes. 4 Q What's "DK" stand for? 5 A Donna, the middle name, and after that Spencer. 6 Q Okay. 7 A With most of her -- she puts, like, DKS. 8 Q All right. 9 A Always puts, like, DKS. And I can see it there, even. 10 This is coming, like, initial -- 11 Q Oh, okay. 12 A -- DKS. 13 Q Do you recognize that as her initials? 14 A Yes. She's a -- yeah. 15 Q All right. 16 A For Donna, yeah. 17 Q Okay. Now, what's the connection between the 18 prescription that's dated 5/17/2013, and has been marked 19 as Exhibit No. 3, and the prescription which is dated 20 6/18/13, and is marked as Exhibit No. 4? Is there any 21 connection between the two? 22 A Both of them Control 2 substance. Both of them for 23 charge in advance. It's -- no charge means I'm going to 24 give that patient four tablets, or four capsules, in 25 advance. There is nothing like this happen in the</p>
<p style="text-align: right;">Page 186</p> <p>1 Q Okay. And is -- what's the relationship between 2 Concerta and Adderall, if any? 3 A Concerta or Adderall is Control 2 substance -- 4 Q But -- 5 A -- in the safe. 6 Q But are they different -- they're -- 7 A They are -- 8 Q -- different medications? 9 A They are totally different, yes. 10 Q Okay. So what's the connection between 3 and 4, 11 Exhibits 3 and 4? 12 MS. LINDERMAN: Objection to form and 13 foundation. 14 BY MS. HARDY: 15 Q Exhibit No. 3 has a notation, "Gave four at NC" -- 16 A No charge. 17 Q Okay. 18 -- "DK"; right? 19 A Her initial. 20 Q All right. So you -- you -- you believe that this was 21 written by Donna Spencer? 22 A Yes. 23 Q And you believe it means she gave four Concerta to a 24 patient for no charge? 25 A Yes.</p>	<p style="text-align: right;">Page 188</p> <p>1 pharmacy for Control 2. In advance -- there's nothing, 2 in advance, you can do it. 3 Q All right. So your -- it's your testimony that it is a 4 violation of the law or a regulation to give a Control 2 5 substance in -- in a small dosage, as an interim 6 measure, at any point in time? 7 A You cannot do that at all. Whatever -- whatever -- 8 whatever happens, you cannot give the patient something 9 in advance, and -- 10 Q Well, what do you mean, "in advance"? I mean, this 11 person, on 5/17/13, has a prescription for Concerta. 12 A This prescription already you give it to me. I already 13 put all your information. I just -- just put the 14 information, everything in the system, but -- but when I 15 tried to do it, for this patient, it was too soon. 16 Q How do you know it was too soon? 17 A If it goes through with -- why I just give him just four 18 tablets? Why I didn't give him 30 tablets? 19 Q Well, what -- what -- what about if this particular 20 patient, who came in with -- with the prescription dated 21 5/17/2013, which has been marked as Exhibit No. 3, did 22 not, yet, have response from his insurance company as to 23 whether or not his prescription was going to -- 24 A We have -- 25 Q -- be covered --</p>

<p style="text-align: right;">Page 189</p> <p>1 A -- to wait.</p> <p>2 Q -- by insurance?</p> <p>3 A We have to wait.</p> <p>4 Q You have to what?</p> <p>5 A We have to wait.</p> <p>6 MS. LINDERMAN: Wait.</p> <p>7 BY MS. HARDY:</p> <p>8 Q Wait?</p> <p>9 A Yes.</p> <p>10 Q All right. So is -- is it your testimony that the law</p> <p>11 prohibits --</p> <p>12 A Yes.</p> <p>13 Q -- a pharmacy from ever giving a small dosage of a</p> <p>14 Control 2, or Schedule 2 medication to a patient in</p> <p>15 advance of insurance coverage being obtained?</p> <p>16 A Nothing -- never can -- you cannot do anything with</p> <p>17 Control 2. This related to a very conservative law.</p> <p>18 You cannot do anything with Control 2 prescriptions. If</p> <p>19 that -- that -- that system says that it's too soon, you</p> <p>20 cannot give the patient --</p> <p>21 Q What -- what does "too soon" mean? I'm still not</p> <p>22 understanding.</p> <p>23 A "Too soon" means that you have to wait a little bit,</p> <p>24 like, four -- four -- almost four days or five days or</p> <p>25 whatever your insurance -- what your insurance sent to</p>	<p style="text-align: right;">Page 191</p> <p>1 it. Yes, it was in the waiting bin. When I tried to</p> <p>2 -- both the first name, last name, date of birth, I</p> <p>3 found something like "Hold it."</p> <p>4 "Hold it" means that there is no -- the</p> <p>5 printer refused to give me a label. Refused to give me</p> <p>6 a label. That means that this prescription didn't go</p> <p>7 through that -- that -- that insurance.</p> <p>8 Q All right. He called you three days before 5/17/13?</p> <p>9 A Not before 5/17. Before the processing of the</p> <p>10 prescription.</p> <p>11 Q When did he call you?</p> <p>12 A It -- I'm not sure when. I --</p> <p>13 Q Do you have any record of --</p> <p>14 A Well, for this --</p> <p>15 Q -- which you could look to, to refresh --</p> <p>16 MS. LINDERMAN: Hold on.</p> <p>17 MS. HARDY: -- your memory?</p> <p>18 MS. LINDERMAN: Let her finish.</p> <p>19 THE WITNESS: Sorry.</p> <p>20 BY MS. HARDY:</p> <p>21 Q Do you have any record you could look to, to refresh</p> <p>22 your memory, as to when he called you?</p> <p>23 A I tried to -- for these prescriptions, especially this</p> <p>24 prescription, I tried to see when did he call. When did</p> <p>25 he get it. But I believe that it was more than seven</p>
<p style="text-align: right;">Page 190</p> <p>1 you, and they are good to send you, like, a red -- a red</p> <p>2 screen to assess them, and say just to stop you to</p> <p>3 process this prescription.</p> <p>4 Because maybe this patient, he already got it</p> <p>5 from another pharmacy with his insurance, and this means</p> <p>6 that he is a drug addict, or even he is a shopper from</p> <p>7 everywhere, or even like -- like getting a lot of</p> <p>8 medication from different doctors. You cannot do</p> <p>9 something like this.</p> <p>10 This coming, like, when you trained as a</p> <p>11 pharmacist to do something with Control 2 -- especially</p> <p>12 Control 2, the red -- the red colors, green pop --</p> <p>13 popped in front of you stopping you to do it.</p> <p>14 Q Okay. If we -- let's assume, for the sake of my</p> <p>15 question, that Donna Spencer gave this particular</p> <p>16 individual Concerta on 5/17/13, or gave this person four</p> <p>17 pills. How do you know that that was too soon?</p> <p>18 A I tried it by myself before. She -- he already called</p> <p>19 me, like, two days or three days before getting his</p> <p>20 prescription, and he asked me to process his</p> <p>21 prescription again, and he told me, "Can you process</p> <p>22 this prescription for me, please?"</p> <p>23 I told him, "Do you have a prescription?"</p> <p>24 He -- he said that it is in the waiting bin.</p> <p>25 You can find the prescription there. I tried to find</p>	<p style="text-align: right;">Page 192</p> <p>1 days until I already did it for him. He called me</p> <p>2 asking to do this prescription.</p> <p>3 Q When are you claiming that his prescription was able to</p> <p>4 be filled?</p> <p>5 A If the -- that --</p> <p>6 Q What date?</p> <p>7 A If the screen, itself, would pop up -- it -- with --</p> <p>8 with the red color, they will say too soon till --</p> <p>9 Q Just give me the date when you claim it would have been</p> <p>10 appropriate, under the law, to fill the prescription for</p> <p>11 Concerta, which is marked as Exhibit No. 3 and dated</p> <p>12 5/17/2013.</p> <p>13 A I don't have --</p> <p>14 Q Okay.</p> <p>15 A -- that date.</p> <p>16 Q Okay.</p> <p>17 A I don't have it.</p> <p>18 Q Do you have any records that have that date?</p> <p>19 A For this patient, I don't have it. For this patient, I</p> <p>20 have everything about it.</p> <p>21 Q All right. Well, just stay with Exhibit No. 3 right</p> <p>22 now.</p> <p>23 A Uh-huh.</p> <p>24 MS. LINDERMAN: For the record, she was</p> <p>25 talking about Exhibit No. 4. She had the documents.</p>

<p style="text-align: right;">Page 193</p> <p>1 She lifted it up.</p> <p>2 MS. HARDY: No, she -- she's lifting up</p> <p>3 Exhibit No. 3, and she doesn't -- she doesn't know with</p> <p>4 respect to 3, and she says she knows with respect to 4.</p> <p>5 MS. LINDERMAN: That's what I just said, as to</p> <p>6 Exhibit 4.</p> <p>7 BY MS. HARDY:</p> <p>8 Q All right. All right. So just stay with 3. All right?</p> <p>9 So you claim that Donna Spencer filled this</p> <p>10 prescription, or -- or gave this patient four pills</p> <p>11 earlier than she was allowed to do so, but you don't</p> <p>12 know when she gave the pills, or what the date was when</p> <p>13 she was allowed to do so; is that correct?</p> <p>14 A Yes, exactly.</p> <p>15 Q Okay. And you don't have any records that you can look</p> <p>16 to, to answer either of those questions?</p> <p>17 A You know, I can get the whole answer, but I don't want</p> <p>18 to put anyone at risk with that. I will not do it.</p> <p>19 Q Have you ever reviewed the regulations concerning the</p> <p>20 partial filling of prescriptions?</p> <p>21 A Reviewing the partial --</p> <p>22 Q Have you ever read the regulations concerning what's</p> <p>23 appropriate when a pharmacist is partially filling</p> <p>24 Schedule 2 prescriptions?</p> <p>25 MS. LINDERMAN: Object to form and foundation.</p>	<p style="text-align: right;">Page 195</p> <p>1 Q All right. So are -- are you acknowledging, now, that</p> <p>2 you can partially fill a Schedule 2 prescription under</p> <p>3 certain circumstances and that's appropriate to do?</p> <p>4 A Yes. There is something you can -- you can do it, like,</p> <p>5 partial -- partial --</p> <p>6 Q Now, why is that completely inconsistent with what you</p> <p>7 just said --</p> <p>8 MS. LINDERMAN: I --</p> <p>9 MS. HARDY: -- before?</p> <p>10 MS. LINDERMAN: I object to form and</p> <p>11 foundation.</p> <p>12 MS. HARDY: Yeah.</p> <p>13 MS. LINDERMAN: I -- I don't --</p> <p>14 MS. HARDY: She --</p> <p>15 MS. LINDERMAN: -- think --</p> <p>16 MS. HARDY: She did say that you are not</p> <p>17 allowed to partially fill any substance, or -- or</p> <p>18 Schedule 2 or Control 2.</p> <p>19 THE WITNESS: I want to --</p> <p>20 MS. LINDERMAN: With insurance.</p> <p>21 THE WITNESS: I want to remind you --</p> <p>22 MS. LINDERMAN: There's a difference.</p> <p>23 THE WITNESS: -- ma'am, what I said. When you</p> <p>24 said what I -- you said a lot -- a little bit, DE [sic]</p> <p>25 law -- DE law is Control 2, can you tell me that?</p>
<p style="text-align: right;">Page 194</p> <p>1 THE WITNESS: We already --</p> <p>2 MS. HARDY: Answer my question.</p> <p>3 BY MS. HARDY:</p> <p>4 Q Have you ever looked --</p> <p>5 A Yes.</p> <p>6 Q -- at the --</p> <p>7 A Yes.</p> <p>8 Q -- regulations?</p> <p>9 A Yes.</p> <p>10 Q All right. So you -- do you know what they say?</p> <p>11 A Maybe it was from a long time, but anyway --</p> <p>12 Q When -- when did you last look at the regulations, the</p> <p>13 wording of the regulations concerning partially filling</p> <p>14 the --</p> <p>15 A I think --</p> <p>16 Q -- prescriptions?</p> <p>17 A -- I already got it while I'm taking my -- my -- my</p> <p>18 practice or my training with Walgreen's, itself. They</p> <p>19 are -- if it is something like it's supposed to tell you</p> <p>20 about the Control 2, itself. How much you have to be</p> <p>21 very, very precise. How much you -- you can't fill</p> <p>22 something, like, before -- within 72 hours.</p> <p>23 If you are 100 percent that that -- the</p> <p>24 medication, in your hand, you can do it. But if you</p> <p>25 doubt that the -- the medication --</p>	<p style="text-align: right;">Page 196</p> <p>1 I told you, according to the DE law, Control 2</p> <p>2 is supposed to do it within 72 hours. That's what I</p> <p>3 said, and I tried to tell you the part -- the partial,</p> <p>4 you can do it within 72 hours.</p> <p>5 BY MS. HARDY:</p> <p>6 Q All right. Just -- just stop. All right. Let -- I'm</p> <p>7 going to read you the regulation in the partially</p> <p>8 filling of prescriptions.</p> <p>9 A Um-hmm. Okay.</p> <p>10 Q All right.</p> <p>11 MS. LINDERMAN: You're actually --</p> <p>12 BY MS. HARDY:</p> <p>13 Q And it is 13.06.13 [sic], partially filling of</p> <p>14 prescriptions.</p> <p>15 MS. LINDERMAN: It's 21 CFR - 1306.13.</p> <p>16 MS. HARDY: Yes.</p> <p>17 MS. LINDERMAN: You used -- you had an extra</p> <p>18 zero in there.</p> <p>19 MR. DAVIS: There's a copy.</p> <p>20 MS. LINDERMAN: Okay. That's a copy.</p> <p>21 BY MS. HARDY:</p> <p>22 Q The partially -- and you have a copy of it in front of</p> <p>23 you.</p> <p>24 MS. LINDERMAN: Right.</p> <p>25</p>

<p style="text-align: right;">Page 197</p> <p>1 BY MS. HARDY:</p> <p>2 Q I see your lawyer's giving it to you.</p> <p>3 The partial filling of a prescription for a</p> <p>4 controlled substance listed in Schedule 2 --</p> <p>5 MS. LINDERMAN: You know what --</p> <p>6 BY MS. HARDY:</p> <p>7 Q -- is permissible if the pharmacist is unable to supply</p> <p>8 the full quantity called for in a written or emergency</p> <p>9 oral prescription, and he makes the notation of the</p> <p>10 quantity supplied on the face of the written prescription.</p> <p>11 Let's stop right there. Now, look at</p> <p>12 Exhibit No. 3.</p> <p>13 A Um-hmm.</p> <p>14 Q What are you claiming, in light of 21 CFR - 1306.13,</p> <p>15 that Donna Spencer did, in Exhibit No. 3, that was a</p> <p>16 violation of the regulation for the partial filling of</p> <p>17 prescriptions?</p> <p>18 MS. LINDERMAN: I'm going to object. The</p> <p>19 documents speak for themselves. It says right there.</p> <p>20 THE WITNESS: You can get the answer.</p> <p>21 MS. HARDY: That's a prompting answer.</p> <p>22 THE WITNESS: You can get that -- the answer</p> <p>23 there, ma'am, in the -- there with the -- the two lines</p> <p>24 in the same paragraph there down, you can see it there.</p> <p>25 If the remaining portion is not, or cannot be</p>	<p style="text-align: right;">Page 199</p> <p>1 MS. HARDY: Not what you're telling her.</p> <p>2 MS. LINDERMAN: I believe your question is</p> <p>3 without foundation.</p> <p>4 MS. HARDY: All right. That's fine. We can</p> <p>5 stop there. That's an appropriate legal objection which</p> <p>6 will preserve the record.</p> <p>7 BY MS. HARDY:</p> <p>8 Q What was inappropriate, in your view, back in June '13</p> <p>9 -- in June 2013 about Exhibit No. 3?</p> <p>10 A Ma'am, I -- that's what I want to tell you. Because she</p> <p>11 didn't look -- that maybe -- I -- I'm pretty sure that</p> <p>12 she already give the four tablets on May 17th. That's</p> <p>13 what I'm pretty sure from that, and I got the --</p> <p>14 Q Okay.</p> <p>15 A -- answer from the patient, himself.</p> <p>16 But anyway, just -- just let me finish.</p> <p>17 Q Well, she gave the full -- she gave -- it says she gave</p> <p>18 four, no charge.</p> <p>19 A Four, no charge. And the -- the rest of the medication,</p> <p>20 he already got it more than one week after.</p> <p>21 Q How do you know that?</p> <p>22 A I -- I am the one who already did this prescription. I</p> <p>23 am the one who already called me [sic]. He called me,</p> <p>24 like, two days before and he asked me to do it. When I</p> <p>25 tried to do it for the second time, that -- that -- the</p>
<p style="text-align: right;">Page 198</p> <p>1 filled within a 72-hour period, the pharmacist shall</p> <p>2 notify the practitioner -- the individual</p> <p>3 practitioner -- which means that -- that the physician,</p> <p>4 himself, no course or quantity may be supplied beyond</p> <p>5 72 hours without a new prescription.</p> <p>6 BY MS. HARDY:</p> <p>7 Q All right. But I'm dealing, first, with Exhibit No. 3.</p> <p>8 A Yeah.</p> <p>9 Q What about Exhibit No. 3 suggests to you, or suggested</p> <p>10 to you, back in June 2013, that Donna Spencer had</p> <p>11 violated the law or a regulation in connection with this</p> <p>12 particular document?</p> <p>13 MS. LINDERMAN: I'm going to just object to</p> <p>14 form and foundation. There's another regulation that</p> <p>15 applies to --</p> <p>16 MS. HARDY: You know --</p> <p>17 MS. LINDERMAN: -- the situation.</p> <p>18 MS. HARDY: -- what? That's -- that's beyond</p> <p>19 what's appropriate in terms of an objection.</p> <p>20 What -- that's totally beyond -- I need to</p> <p>21 know what it was she thought was violative of the law or</p> <p>22 regulation. Not --</p> <p>23 MS. LINDERMAN: So you're --</p> <p>24 MS. HARDY: Not --</p> <p>25 MS. LINDERMAN: -- asking --</p>	<p style="text-align: right;">Page 200</p> <p>1 -- the screen popped -- popped up in front of me.</p> <p>2 And I told him, "I'm so sorry, sir. This --</p> <p>3 there is nothing coming up right now, because it's too</p> <p>4 soon for another two days. Can you call me on this day,</p> <p>5 morning, please, and I can do it for you?"</p> <p>6 He told me that, "I already got the four</p> <p>7 prescription for more than seven days, and I'm totally</p> <p>8 out. I don't have any kind of medication more -- just</p> <p>9 to cover myself for the next days."</p> <p>10 So I told him, "This is the law, sir. I</p> <p>11 cannot do anything with the law. But you can call me at</p> <p>12 this date, morning, nine o'clock, and I will do it."</p> <p>13 This was the first call. I got it this day.</p> <p>14 And I already processed this prescription and put the</p> <p>15 whole amount there. But because he just -- just told me</p> <p>16 that he already got the four tablets, I don't know what</p> <p>17 I have to do with that, because according to the</p> <p>18 partial, it's supposed not even -- not even to do this</p> <p>19 prescription. I just put it aside.</p> <p>20 And when Donna Spencer came, I told her, "You</p> <p>21 know what, ma'am? This prescription, I don't know what</p> <p>22 I have to do with that. Can you tell me what is going</p> <p>23 on?"</p> <p>24 She told me, "I know who is he. I'm pretty</p> <p>25 sure that he is honest. I'm pretty sure I know this</p>

<p>1 one, personally." Page 201</p> <p>2 And that's what she told me, even over the</p> <p>3 phone, and I -- "What you can do right now? How many</p> <p>4 did you put in there?"</p> <p>5 I told her the -- the -- the quantity, which I</p> <p>6 already have with that -- with that prescription. She</p> <p>7 got four tablets on her hand and return it back to the</p> <p>8 -- the -- the original vial, and close it and put it in</p> <p>9 the -- in the safe. This totally -- this totally not</p> <p>10 something, like, can go with the law. This totally</p> <p>11 violation. She already did that, and I tried to tell</p> <p>12 everybody how to give, in advance, any kind of Control 2.</p> <p>13 Q I'm going to go back to this at a later date --</p> <p>14 A Okay.</p> <p>15 Q -- the next time around.</p> <p>16 You -- you identified as the first violation</p> <p>17 that Ms. Spencer engaged in was not having the proper</p> <p>18 label, or not having a label on a vial --</p> <p>19 A Yeah.</p> <p>20 Q -- right?</p> <p>21 A Yes.</p> <p>22 Q Was that a problem in connection with Exhibit No. 3?</p> <p>23 A Yes. 'Cause see there is no label there. Yes.</p> <p>24 Q Are you claiming that if she gives a partial</p> <p>25 prescription --</p>	<p>1 THE VIDEOGRAPHER: We're off the record at Page 203</p> <p>2 3:08.</p> <p>3 (Whereupon a break was taken</p> <p>4 from 3:08 p.m. to 3:15 p.m.)</p> <p>5 THE VIDEOGRAPHER: Back on the record at 3:15.</p> <p>6 Please proceed.</p> <p>7 BY MS. HARDY:</p> <p>8 Q I'd like to return to the list of violations that you</p> <p>9 claim Donna Spencer committed as a pharmacist. The</p> <p>10 first one is failing to put the proper label on a vial,</p> <p>11 and you've identified Exhibit No. 3 as an example of one</p> <p>12 such violation. Are there any other violations of that</p> <p>13 nature that you claim were committed by Donna Spencer?</p> <p>14 MS. LINDERMAN: Objection to form and</p> <p>15 foundation.</p> <p>16 THE WITNESS: Another prescription you mean?</p> <p>17 BY MS. HARDY:</p> <p>18 Q No. Just stick with the allegation that she dispensed</p> <p>19 Control 2 substances without a label on the vial.</p> <p>20 A Is that --</p> <p>21 Q And you've identified Exhibit No. 3 as an example of</p> <p>22 such a violation.</p> <p>23 MS. LINDERMAN: Okay.</p> <p>24 BY MS. HARDY:</p> <p>25 Q Are there any other incidences when you claim she</p>
<p>1 A With no label. Page 202</p> <p>2 Q -- that there has to be a label that's on -- on the</p> <p>3 prescription, itself?</p> <p>4 A Yes.</p> <p>5 Q Okay. And that --</p> <p>6 A Or -- or we can ask her, "Where is the label for the</p> <p>7 four tablets? You already give him four tablets. And</p> <p>8 there was a label here supposed to be done with four</p> <p>9 tablets. Where is that?"</p> <p>10 Q And you're claiming there's a regulation that provides</p> <p>11 that if you give a partial prescription with four</p> <p>12 tablets, you need to have a label indicating exactly</p> <p>13 what's been given?</p> <p>14 A Yes. Supposed to put it here, just to put it -- if you</p> <p>15 are going to put, like, partial, yes, you can do it, but</p> <p>16 with the same number. You know what I mean? The same</p> <p>17 number. If it's coming like RX1, you are going to give</p> <p>18 the other 26 tablets with RX1, too. So this coming,</p> <p>19 like, partial and you can find it with the label there,</p> <p>20 and this is partial with the second label.</p> <p>21 So if you couldn't find two labels with one</p> <p>22 for four, and the other one for 26, there is this kind</p> <p>23 of total violation against DEA law.</p> <p>24 MS. HARDY: Let's go off the record for a few</p> <p>25 minutes.</p>	<p>1 committed that particular violation? Page 204</p> <p>2 A This is --</p> <p>3 MS. LINDERMAN: Hold on. I'm going to object</p> <p>4 to form and foundation. She was asking for</p> <p>5 clarification, which seems reasonable. She's asking,</p> <p>6 are you asking if there's another prescription outside</p> <p>7 of Exhibit No. 3 that she --</p> <p>8 MS. HARDY: Sure. I mean, what -- yes, of</p> <p>9 course. Any other --</p> <p>10 MS. LINDERMAN: Yeah. So she's asking about</p> <p>11 the other -- if there's other prescriptions.</p> <p>12 THE WITNESS: This is the other one you</p> <p>13 already gave us right now, Exhibit No. 4.</p> <p>14 BY MS. HARDY:</p> <p>15 Q Okay. And Exhibit No. 4 is an example of a prescription</p> <p>16 being dispensed without a label on a vial?</p> <p>17 A This is another one, yes.</p> <p>18 Q All right. Are there any others?</p> <p>19 A Sorry?</p> <p>20 Q Are there any other prescriptions?</p> <p>21 A I -- I don't have any clue about that.</p> <p>22 Q All right. So the only two you have knowledge of are</p> <p>23 the ones that are -- are documented in Exhibit No. 3 and</p> <p>24 Exhibit No. 4, and they occurred on 5/17/13 and 6/18/13?</p> <p>25 A Yes.</p>

<p>1 Can I just answer one point, please?</p> <p>2 Q Yes.</p> <p>3 A For both of them, what you already gave to us right now,</p> <p>4 No. 3 and No. 4, if you do the right stuff and you --</p> <p>5 you know how to be -- how to follow the law, I told you</p> <p>6 now that is supposed to be like one prescription number</p> <p>7 and you are going to get one prescription partial for</p> <p>8 four, and the rest -- the old vial, and the rest of them</p> <p>9 coming like with the same number with the rest of them</p> <p>10 and they're back home.</p> <p>11 Sorry. They're with the state, the Michigan</p> <p>12 Board of the state -- the Michigan Board of Pharmacy,</p> <p>13 you have to get the number. It's supposed to be there,</p> <p>14 also. The same number here partial four -- four or</p> <p>15 five, and there -- with the same number after three days</p> <p>16 it's supposed to be with the rest of medication.</p> <p>17 So this board just follow you as a pharmacist</p> <p>18 to get to see if you followed that rule or not, if you</p> <p>19 follow the law or not. If you just said that, "I</p> <p>20 already give him five tablets for no charge just to --</p> <p>21 to rescue him, just to give him a life," whatever you</p> <p>22 are going to say, it's supposed to -- the -- the</p> <p>23 Michigan Board of Pharmacy is supposed to have a number</p> <p>24 there with five, and the other number -- the same number</p> <p>25 was the rest of medication.</p>	<p>Page 205</p> <p>1 A Yes.</p> <p>2 Q And what documentation supports your accusation that the</p> <p>3 refill, or the -- the -- not the refill -- the filling</p> <p>4 of the remaining portion of the prescription did not</p> <p>5 happen until June --</p> <p>6 A 27th.</p> <p>7 Q -- 27th?</p> <p>8 A 27th, yes.</p> <p>9 Q Do you have any documents to support your -- your</p> <p>10 representation that the remainder of the prescription</p> <p>11 was not filled until June 27th?</p> <p>12 A Maybe I don't have that -- that -- the document from</p> <p>13 Walgreen's, itself. I don't have that label there with</p> <p>14 Walgreen's, itself. But I got the label, or I got the</p> <p>15 number, and the date, itself, on -- on it from the</p> <p>16 Michigan -- from Michigan Board of Pharmacy.</p> <p>17 Q And Exhibit No. 5, do you reference the basis for your</p> <p>18 charge that the remaining portion of the prescription,</p> <p>19 reflected in Exhibit 4, was not filled until June 27th?</p> <p>20 MS. LINDERMAN: Objection to form and</p> <p>21 foundation.</p> <p>22 BY MS. HARDY:</p> <p>23 Q Look at Exhibit No. 5. It's your complaint on June 25th</p> <p>24 concerning Exhibits No. 3 and 4.</p> <p>25 A Yes.</p>
<p>Page 206</p> <p>1 But because we -- I already got that -- that</p> <p>2 document from Michigan Board of Pharmacy for this</p> <p>3 prescription that it is filled with the whole amount at</p> <p>4 the same day, the day after, just one day after I inform</p> <p>5 my supervisor. I inform my supervisor about this</p> <p>6 prescription, and I told her, like, "What you already</p> <p>7 give it to me, this" --</p> <p>8 Q I don't need you to --</p> <p>9 A Okay.</p> <p>10 Q -- go into all of that. That's getting way --</p> <p>11 A Okay.</p> <p>12 Q -- far afield. I was going to give you the freedom to</p> <p>13 add a little something, but not to get into five</p> <p>14 different topics.</p> <p>15 Let's turn to the second violation you claim</p> <p>16 Donna Spencer committed, which is not filling the rest</p> <p>17 of a partially filled prescription within 72 hours.</p> <p>18 When do you claim she committed that violation?</p> <p>19 A What date?</p> <p>20 Q What -- in connection with what prescription? What</p> <p>21 date? Give me the details that support that accusation.</p> <p>22 A For the first one it was in May, maybe. The first one,</p> <p>23 it was this one, it was on June 18th, and she already</p> <p>24 filled it on June 27th, nine days after.</p> <p>25 Q So you're referring to Exhibit No. 4?</p>	<p>Page 208</p> <p>1 Q Do you say in Exhibit No. 5 that you have a basis for</p> <p>2 knowing that Ms. Sanders [sic] did not fill the</p> <p>3 remaining portion of the prescription in -- reflected in</p> <p>4 Exhibit No. 4 until June 27th?</p> <p>5 MS. LINDERMAN: I'm going to object.</p> <p>6 THE WITNESS: This is --</p> <p>7 MS. LINDERMAN: The document speaks for</p> <p>8 itself. Form and foundation.</p> <p>9 THE WITNESS: This email --</p> <p>10 MS. HARDY: I'm sorry. I misspoke. It was</p> <p>11 not -- not Ms. Sanders. It's --</p> <p>12 MR. DAVIS: Spencer.</p> <p>13 MS. HARDY: -- Spencer.</p> <p>14 THE WITNESS: This email was on June 25th.</p> <p>15 BY MS. HARDY:</p> <p>16 Q Okay. So you didn't -- you didn't know, at that point</p> <p>17 in time, when it was filled?</p> <p>18 A Yes.</p> <p>19 Q Okay.</p> <p>20 A Until this time they didn't do it.</p> <p>21 Q All right.</p> <p>22 A They couldn't do it.</p> <p>23 Q Okay. Do you -- do you -- do you have, in your</p> <p>24 possession, anything that confirms that the remaining</p> <p>25 portion of the Adderall prescription, reflected in</p>

<p style="text-align: right;">Page 209</p> <p>1 Exhibit No. 4, was not filled until June 27th?</p> <p>2 A I have -- that -- that -- that's from -- that's what I</p> <p>3 said from Michigan Board of Pharmacy that told me, or</p> <p>4 the document there, it was filled on 6/27. This is the</p> <p>5 first point. The second point, for this patient, she</p> <p>6 already used that Adderall, but not generic.</p> <p>7 The only thing that -- that insurance refused</p> <p>8 to -- failed to let this prescription go through it, the</p> <p>9 only thing. Not -- and they ask for prior</p> <p>10 authorization, because always this patient's on Adderall</p> <p>11 plain, not Adderall generic. And she already got it</p> <p>12 from our pharmacy, but from the other -- the other store</p> <p>13 from Walgreen's, but from -- in another store. She</p> <p>14 already got it, but Adderall brand.</p> <p>15 And what you are going to do with -- you are</p> <p>16 -- that -- that -- that -- that insurance will accept it</p> <p>17 and the -- the printer will give you the label and</p> <p>18 everything is just fine. But because of that -- that</p> <p>19 manager, she didn't practice a lot how to resolve those</p> <p>20 kind of issues, how to let it go, so she insist to put</p> <p>21 it as a generic.</p> <p>22 Generic will not let it -- this one not never</p> <p>23 going through it, and tried to speak to the patient.</p> <p>24 And the patient, herself, when she came to me and picked</p> <p>25 it up, she said that the pharmacy manager called her and</p>	<p style="text-align: right;">Page 211</p> <p>1 Let me finish.</p> <p>2 A Sorry.</p> <p>3 Q -- about this particular patient and his or her</p> <p>4 prescription?</p> <p>5 A It is not something you have to contact --</p> <p>6 Q When did you contact the Michigan Board of Pharmacy</p> <p>7 about this issue?</p> <p>8 MS. LINDERMAN: Objection. Form and</p> <p>9 foundation.</p> <p>10 THE WITNESS: Last -- last month, maybe.</p> <p>11 BY MS. HARDY:</p> <p>12 Q Last month in 2014?</p> <p>13 A Yes.</p> <p>14 Q All right. So after your termination?</p> <p>15 A After my termination.</p> <p>16 Q All right. And they're providing information to you</p> <p>17 about prescriptions?</p> <p>18 A Not for me. Not for Mervat. To all -- to all</p> <p>19 pharmacists, they are asking how did they -- it go</p> <p>20 through it?</p> <p>21 Q Well, are you -- you've been asking, since you've been</p> <p>22 terminated from Walgreen, about prescriptions that were</p> <p>23 filled at Walgreen when you were employed there?</p> <p>24 MS. LINDERMAN: Objection --</p> <p>25 THE WITNESS: It is --</p>
<p style="text-align: right;">Page 210</p> <p>1 she said that, "It didn't go through, your insurance,</p> <p>2 ma'am, so I recommend you with this Trotera (ph), and it</p> <p>3 says on this kind of medication -- because your</p> <p>4 insurance will not cover that."</p> <p>5 So she told me this -- all these issues. When</p> <p>6 I tried to get the answer from the Michigan State of</p> <p>7 Pharmacy, the Board of Pharmacy here in Michigan, they</p> <p>8 give to me that because she didn't put the proper one.</p> <p>9 It is generic. Not that -- the -- it is one generic.</p> <p>10 She tried to give generic, not the brand one.</p> <p>11 So that patient, next month, she went to get</p> <p>12 it from CVS, and there is a document also from Michigan</p> <p>13 State that she already -- after that, she left</p> <p>14 Walgreen's at all, and went to get it from CVS.</p> <p>15 So how did that -- that -- that manager let it</p> <p>16 go? Why it is coming, like, prior authorization? I</p> <p>17 don't have any clue, because this patient even when she</p> <p>18 was there, she said, "I don't have any kind of insurance</p> <p>19 more than Medicaid."</p> <p>20 But Michigan Board said that Walgreen's tried</p> <p>21 something else which put, like, question mark, "Which</p> <p>22 insurance did you try, guys, there?"</p> <p>23 Q When did you contact the Michigan Board of Pharmacy --</p> <p>24 A It is --</p> <p>25 Q -- about --</p>	<p style="text-align: right;">Page 212</p> <p>1 MS. LINDERMAN: -- to form and foundation.</p> <p>2 THE WITNESS: It is coming, like, some -- it's</p> <p>3 a program there just for pharmacists. If I wanted to</p> <p>4 know something, I can get it from there, yes. They</p> <p>5 follow every -- they follow every patient. They follow,</p> <p>6 also, the pharmacists as -- as well.</p> <p>7 BY MS. HARDY:</p> <p>8 Q But you're allowed, as a non-Walgreen employee, to get</p> <p>9 information about prescriptions filled at Walgreen?</p> <p>10 A If this patient -- if this patient is -- wants something</p> <p>11 and I wanted to know from where did he get that</p> <p>12 prescription? Yes. For everybody, yes, you can get all</p> <p>13 information. If somebody just wants something like</p> <p>14 Control 2 from you, and you want to -- to map him --</p> <p>15 that's what we call the Michigan Board of Pharmacy here</p> <p>16 in Michigan, "map" -- I have to map every single patient</p> <p>17 getting the -- the prescription.</p> <p>18 Q But have you had any contact with this particular</p> <p>19 patient since you were terminated from Walgreen?</p> <p>20 A No.</p> <p>21 Q So what right do you have to get information about him</p> <p>22 now since he's not a patient --</p> <p>23 A Because that's --</p> <p>24 Q -- you're dealing with, and you're not being asked to</p> <p>25 fill one of his prescriptions?</p>

<p style="text-align: right;">Page 213</p> <p>1 A Because I have something, like, the law -- according to 2 the law, I -- or according to the -- the -- the 3 situation which I'm already now in, and I wanted to know 4 how did they process this prescription? This is -- this 5 prescription is one which I was terminated for, so I 6 just wanted to know why and how they fill it. 7 Q Did the Michigan Board of Pharmacy know, at the time you 8 were getting information from them -- 9 A True. 10 Q -- that you -- that you were seeking information in -- 11 in support of your litigation? 12 A True. 13 MS. LINDERMAN: Objection to form -- 14 MS. HARDY: Yes? 15 MS. LINDERMAN: -- and foundation. 16 THE WITNESS: True. 17 BY MS. HARDY: 18 Q The answer is "yes"? 19 A Yes. 20 Q You told them that? 21 MS. LINDERMAN: Objection to form and 22 foundation. 23 THE WITNESS: Well, told them what? 24 BY MS. HARDY: 25 Q Told the Michigan Board of Pharmacy that you were doing</p>	<p style="text-align: right;">Page 215</p> <p>1 time you were seeking to get information in the past 2 couple months about this particular customer, that he 3 wasn't a customer of yours when you were seeking the 4 information -- 5 MS. LINDERMAN: Objection -- 6 MS. HARDY: -- did they? They didn't -- 7 MS. LINDERMAN: Objection -- 8 MS. HARDY: -- know that, did they? 9 THE WITNESS: Yes. 10 MS. LINDERMAN: Objection to form -- 11 THE WITNESS: Yes, exactly. 12 MS. LINDERMAN: -- and foundation. 13 THE WITNESS: He is not one of my patients 14 right now, but because of she [sic], I already was 15 terminated. And I am here today for this kind of -- of 16 prescription. 17 BY MS. HARDY: 18 Q All right. But when you were using the Michigan Board 19 of Pharmacy to get information about that customer, you 20 didn't tell the board that he was no longer a customer 21 of yours, and your purpose in seeking information was to 22 support your litigation -- 23 MS. LINDERMAN: Objection -- 24 MS. HARDY: -- did you? 25 MS. LINDERMAN: Objection --</p>
<p style="text-align: right;">Page 214</p> <p>1 research to support your litigation and seeking 2 information in the course of that about prescriptions 3 given to patients? 4 A That's what I'm trying to say. This is a kind of 5 program, it is available for all pharmacists. Whenever 6 you wanted to follow anyone, you wanted to get any kind 7 of information for one of your -- or your customers -- 8 Q But he's not your customer anymore. At the time you're 9 seeking -- 10 MS. LINDERMAN: She's trying -- 11 MS. HARDY: -- the information -- 12 MS. LINDERMAN: -- to answer. You interrupted 13 her. 14 MS. HARDY: -- about him through this, you 15 know, Web site or whatever -- whatever device you were 16 using -- he wasn't your customer, was he? 17 MS. LINDERMAN: I'm going to object to form 18 and foundation. 19 BY MS. HARDY: 20 Q Was he? 21 A If it is not available to the pharmacist, if the patient 22 is not available for the pharmacist, and if there's 23 something supposed to -- to stop me to do it, the 24 Michigan Board can do that even. 25 Q All right. But the Michigan Board didn't know at the</p>	<p style="text-align: right;">Page 216</p> <p>1 BY MS. HARDY: 2 Q You didn't tell them that, did you? 3 MS. LINDERMAN: Objection to form and 4 foundation. 5 MS. HARDY: Answer the question. 6 THE WITNESS: I don't have answer. 7 BY MS. HARDY: 8 Q Because you didn't tell them what -- what you were 9 really up to, did you? 10 MS. LINDERMAN: Objection to form and 11 foundation. 12 BY MS. HARDY: 13 Q That's correct, isn't it? 14 A Um-hmm. 15 Q Yes? 16 A Um-hmm. 17 Q You've got to verbalize. 18 A Yes. 19 Q All right. Are there any other incidences when you 20 claim Donna Spencer did not fill the remaining portion 21 of a partial prescription within 72 hours? 22 You've identified one instance pertaining to 23 Exhibit No. 4. Are there any other prescriptions when 24 she committed, in your view, that violation? 25 MS. LINDERMAN: Objection to form and</p>

<p>1 foundation. 2 THE WITNESS: I'm sorry. I didn't get that 3 question. 4 BY MS. HARDY: 5 Q All right. You're claiming that Donna Spencer failed to 6 fill partial prescriptions -- prescriptions within 7 72 hours. I asked you when that occurred. You 8 identified Exhibit No. 4 and the Adderall prescription 9 in connection with that particular document. 10 Are there any other prescriptions where that 11 particular violation occurred? 12 MS. LINDERMAN: Objection to form and 13 foundation. 14 THE WITNESS: I -- I just got that on -- on 15 June 26th, maybe, or -- yeah, 26th. I -- that's what I 16 already discovered when the patient -- 17 BY MS. HARDY: 18 Q All right. No. You've testified about Exhibit No. 4 19 and that the refill did not occur until 6/27 -- 20 A Yeah. 21 Q -- and that was the Adderall prescription. 22 A Yes. 23 Q Are there any other prescriptions that -- 24 A No. 25 Q -- are at issue with respect to Donna Spencer --</p>	<p>Page 217</p> <p>1 MS. HARDY: All right. 2 MS. LINDERMAN: Later on I -- 3 MS. HARDY: It's up to -- 4 MS. LINDERMAN: -- can tell you -- 5 MS. HARDY: -- you to make -- 6 MS. LINDERMAN: -- what was -- 7 MS. HARDY: -- that -- 8 MS. LINDERMAN: -- wrong with it. 9 MS. HARDY: -- determination, but, you know, 10 when it comes time if it -- if they ever read this when 11 we have to purge transcripts, the judge will see every 12 single one of those objections -- 13 MS. LINDERMAN: Yeah. 14 MS. HARDY: -- and we will have to address 15 every single one in a motion to purge. 16 MS. LINDERMAN: Most of them are just saying 17 that the objection is form of the question. Perhaps I 18 should have just asked for this whole line. Can I ask 19 for -- 20 MS. HARDY: Well, you can't ask, in advance, 21 for a form and foundation question until you've heard 22 the -- the question. 23 MS. LINDERMAN: Well, that's why I did it each 24 time, instead of asking in advance. 25 MS. HARDY: Well --</p>
<p>1 A I -- 2 Q -- and that alleged violation? 3 MS. LINDERMAN: Objection to form and 4 foundation. 5 THE WITNESS: Maybe there is, but I don't -- I 6 don't have any clue about it. That's all -- that's what 7 I already have right now. 8 MS. HARDY: You know, I just want to raise a 9 side issue with Ms. Linderman. While I respect the fact 10 that you're making legal objections, the fact that 11 you're objecting to form and foundation at every single 12 question is a bit suspect. 13 MS. LINDERMAN: There was a lot of questions 14 where you made an assumption that was incorrect, and 15 there was a problem with the form, too, so -- 16 MS. HARDY: Well -- 17 MS. LINDERMAN: -- there were several 18 recently -- 19 MS. HARDY: They -- they -- they -- well, it's 20 not just several. It's every single question, 21 virtually, and some judges might conclude that that is 22 intending to be distracting and not appropriate because 23 it's -- it's being overused in circumstances where it's 24 not appropriate. 25 MS. LINDERMAN: But it was appropriate, and I --</p>	<p>Page 218</p> <p>1 MS. LINDERMAN: Sometimes -- 2 MS. HARDY: -- that -- you know, I'm just 3 pointing out, for your sake, that, you know, if a judge 4 has to review the transcript, they -- they might find 5 you're abusing that objection. 6 MS. LINDERMAN: I don't think so when they 7 find out -- 8 MS. HARDY: Okay. 9 MS. LINDERMAN: -- why. 10 BY MS. HARDY: 11 Q Let's go to the third instance of alleged improper 12 conduct that you attribute to Ms. Spencer, and that is 13 Medicaid and Medicare fraud. What are you referring to? 14 A This prescription with this kind of Medicare and 15 Medicaid fraud. 16 Q Which -- which prescription are you referring to? 17 A Maybe I have the numbers, but I don't have it -- this 18 one. But I -- I was there in the pharmacy, and she 19 filled one prescription wrong, and supposed just to -- 20 it was in -- at one day, and saying that it was, like, 21 hundreds of tablets. 22 And the customer, next day, she came because 23 this -- this particular medication for what -- for her 24 husband, and she asked to get the right one, because 25 this medication, he never get it before. And I -- I</p>
<p>Page 219</p>	<p>Page 220</p>

<p style="text-align: right;">Page 221</p> <p>1 found that she tried to resolve the issue, and this</p> <p>2 stuff, and she already resolved the issue, but didn't --</p> <p>3 Q Wait. What's the word you're using? Reserve?</p> <p>4 MS. LINDERMAN: Resolve.</p> <p>5 MS. HARDY: Resolve, okay.</p> <p>6 THE WITNESS: Resolve the issue means she</p> <p>7 gives the patient the right one.</p> <p>8 BY MS. HARDY:</p> <p>9 Q So she accidentally gave the patient the wrong one --</p> <p>10 A The wrong one.</p> <p>11 Q -- and then she corrected it and gave him --</p> <p>12 A Corrected --</p> <p>13 Q -- the right one?</p> <p>14 A Correct it and gave him the right one, but she didn't</p> <p>15 get the medication back. Just put it in the destroyed</p> <p>16 area to destroy this kind of medication, because it is</p> <p>17 returnable, or she -- she -- because of her fault, it's</p> <p>18 supposed to accept it, and supposed to put it in the</p> <p>19 destroyed area. And after that, you -- she's supposed</p> <p>20 to destroy it.</p> <p>21 And even didn't resolve the issue with</p> <p>22 Medicare. To reverse a claim happened yesterday, and to</p> <p>23 -- because there is no hard copy for this wrong</p> <p>24 medication even, and -- and to give the right one. She</p> <p>25 already gave the patient the right one after a lot of</p>	<p style="text-align: right;">Page 223</p> <p>1 sure I've got the framework here.</p> <p>2 The allegation of Medicare/Medicaid fraud only</p> <p>3 is one time?</p> <p>4 MS. LINDERMAN: Objection to form --</p> <p>5 BY MS. HARDY:</p> <p>6 Q One -- one instance?</p> <p>7 MS. LINDERMAN: -- and foundation.</p> <p>8 THE WITNESS: You know what? I -- I didn't --</p> <p>9 I just left the pharmacy. I just left --</p> <p>10 MS. HARDY: No, I --</p> <p>11 THE WITNESS: -- the pharmacy.</p> <p>12 BY MS. HARDY:</p> <p>13 Q I'm referring to --</p> <p>14 How many times are you claiming Donna Spencer</p> <p>15 engaged in Medicare or Medicaid fraud?</p> <p>16 MS. LINDERMAN: Objection to form and</p> <p>17 foundation.</p> <p>18 BY MS. HARDY:</p> <p>19 Q On one occasion or more than one occasion?</p> <p>20 A I just have one.</p> <p>21 Q Okay. Fine. Stop right there.</p> <p>22 Who is it? Did she prescribe the medication?</p> <p>23 Or not -- I'm sorry. Did she fill the</p> <p>24 prescription the first time?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 222</p> <p>1 issues. But anyway, that wrong one is still there. The</p> <p>2 patient --</p> <p>3 Q The wrong one is still where?</p> <p>4 A With the patient.</p> <p>5 Q How -- how do you know?</p> <p>6 A She didn't return it. There is -- there is something</p> <p>7 like a policy supposed to -- to follow. If you return</p> <p>8 me your -- your wrong medication, or whatever happened,</p> <p>9 you don't want it or whatever, I have to get it and put</p> <p>10 it in the destroyed area. Destroyed area means we have</p> <p>11 to destroy it. We have to -- don't put it, again, over</p> <p>12 the counter.</p> <p>13 Q Are you referring to one particular prescription or --</p> <p>14 A Yeah.</p> <p>15 Q -- more than one?</p> <p>16 A Yes.</p> <p>17 Q Just one?</p> <p>18 A I -- one. And I have two prescriptions -- two -- two</p> <p>19 prescription numbers under the same -- under the same</p> <p>20 hard copy, and there was -- there was no refill for this</p> <p>21 medication, even, just to say, "We did it twice because</p> <p>22 -- because there is a -- a refill."</p> <p>23 The doctor just put it every three months,</p> <p>24 this prescription, so she --</p> <p>25 Q Okay. So just stop for a moment. I just want to make</p>	<p style="text-align: right;">Page 224</p> <p>1 Q Did you have anything to do with it?</p> <p>2 A To do what?</p> <p>3 Q With -- with that prescription being filled.</p> <p>4 A No.</p> <p>5 Q What was the prescription for?</p> <p>6 A I think it was for something, like, Control 3 or Control 4.</p> <p>7 Q You don't recall? You don't have those details?</p> <p>8 MS. LINDERMAN: Objection to form and</p> <p>9 foundation.</p> <p>10 THE WITNESS: I don't have what?</p> <p>11 BY MS. HARDY:</p> <p>12 Q You don't have the details of what the medication was?</p> <p>13 A No.</p> <p>14 Q All right.</p> <p>15 A I have the prescription numbers.</p> <p>16 Q And where -- where did you retain the prescription</p> <p>17 numbers? Did you take a copy of them?</p> <p>18 A No. You can get it -- you can get it -- it is with the</p> <p>19 patient, himself. The patient got this one and got that</p> <p>20 one.</p> <p>21 Q But did you write them down somewhere and retain them?</p> <p>22 A Sorry?</p> <p>23 Q Did -- did you keep notes of what the prescription</p> <p>24 numbers were?</p> <p>25 A I think, yes, I already got the notes, and I tried to</p>

<p>Page 225</p> <p>1 give it to Ms. Amy on June 28th when she called me to be</p> <p>2 there in her -- in her office. And she even -- I put</p> <p>3 all the notes there just to give it -- to forward all</p> <p>4 those stuff for her, and she even didn't listen to</p> <p>5 anything.</p> <p>6 Q All right. Well -- so on June 28th, you -- you had the</p> <p>7 prescription numbers at issue that you claim constituted</p> <p>8 a Medicare or Medicaid --</p> <p>9 A Yes.</p> <p>10 Q -- fraud?</p> <p>11 A Yeah.</p> <p>12 Q All right.</p> <p>13 A I tried to forward it to Ms. Amy. She didn't listen.</p> <p>14 Q Did you forward those numbers, via email, to her?</p> <p>15 A No. I didn't forward that, because supposed to give her</p> <p>16 -- after what I already got with the emails, so I was</p> <p>17 there with her in the -- the same office, so I prefer to</p> <p>18 give it to her hand by hand, and I -- you know what? I</p> <p>19 give her the number even while I was there. I already</p> <p>20 give her the number, like verbal numbers.</p> <p>21 I told her, "There's something wrong with this</p> <p>22 number and that number, and it's supposed just to come</p> <p>23 in to -- to -- to see those kind of issues, but..."</p> <p>24 Q What did you write the numbers on? Where did you record</p> <p>25 those numbers?</p>	<p>Page 227</p> <p>1 A Like --</p> <p>2 Q -- have that paper, or did you give that paper to your</p> <p>3 attorney?</p> <p>4 A To -- yes. She -- it is safe, yes, with her.</p> <p>5 Q Okay.</p> <p>6 A Yes.</p> <p>7 Q And it has the number of the two prescriptions that you</p> <p>8 claim constitute Medicare and Medicaid fraud?</p> <p>9 A She already did this prescription, just she -- she</p> <p>10 submitted twice to Medicare.</p> <p>11 Q All right. So is it Medicare or Medicaid?</p> <p>12 A Medicare.</p> <p>13 Q All right. What was -- and you have no idea what the --</p> <p>14 the drug was?</p> <p>15 A No.</p> <p>16 Q All right. And so she submitted it twice because the</p> <p>17 first time she made a mistake, and --</p> <p>18 A Yes.</p> <p>19 Q -- it was the wrong medication?</p> <p>20 A Yes.</p> <p>21 Q And then the second time it was the right medication?</p> <p>22 A It was the right one.</p> <p>23 Q And why do you claim that was fraud?</p> <p>24 A When you -- it is just one hard copy, and you submit it</p> <p>25 twice. One of them you don't have hard copy for the</p>
<p>Page 226</p> <p>1 A Why?</p> <p>2 Q No. Where? On what?</p> <p>3 A Where?</p> <p>4 Q Yes.</p> <p>5 A While -- while I was there.</p> <p>6 Q No, no, no.</p> <p>7 MS. LINDERMAN: Not when. Where.</p> <p>8 BY MS. HARDY:</p> <p>9 Q Where? What did you write them on? A piece of paper?</p> <p>10 A copy of the prescription? I mean, what -- what did</p> <p>11 you have in front of you to help you recall the numbers?</p> <p>12 A When I was there and she called me and she said,</p> <p>13 "There's supposed to be, like, a meeting together</p> <p>14 tomorrow. Try to get all the information you want to</p> <p>15 forward to me. Get all the issues you already faced</p> <p>16 there."</p> <p>17 I just put it like one, this second, this --</p> <p>18 and I just --</p> <p>19 Q What did --</p> <p>20 A -- put it --</p> <p>21 Q -- you write them on? Did you have a notebook? Did you</p> <p>22 have a scrap of paper? Did you -- what -- what -- where</p> <p>23 did you write the numbers?</p> <p>24 A On a paper.</p> <p>25 Q Okay. Do you --</p>	<p>Page 228</p> <p>1 wrong one, but you still got your money back from</p> <p>2 Medicare, and the other one, it is the right one and you</p> <p>3 submit it, also, to the Medicare the next day, and you</p> <p>4 got your money back.</p> <p>5 Q How do you know she didn't correct the erroneous</p> <p>6 submission?</p> <p>7 A Till the time I was there, there was no recovery for</p> <p>8 this kind of --</p> <p>9 Q Well --</p> <p>10 A -- medication.</p> <p>11 Q -- there may not have been a recovery, but how do you</p> <p>12 know she didn't, within the appropriate time frame,</p> <p>13 submit the paperwork to notify the government of the</p> <p>14 error?</p> <p>15 MS. LINDERMAN: Objection to form and</p> <p>16 foundation.</p> <p>17 THE WITNESS: How to know that?</p> <p>18 BY MS. HARDY:</p> <p>19 Q Yeah. How -- how do you know she didn't do that?</p> <p>20 A That's what I wanted to tell you. It is still there</p> <p>21 under the name of the patient. She already got it. The</p> <p>22 number is still there. If -- if deleted, it -- there is</p> <p>23 nothing under the patient's profile. But if you already</p> <p>24 got the number, it is still there with -- that -- that</p> <p>25 amount of the medication is still there under his name.</p>

<p style="text-align: right;">Page 229</p> <p>1 Q All right. What -- what is the date of the second 2 prescription? 3 A Second prescription? 4 Q Yeah. You said she gave an erroneous prescription to 5 the patient, and then she gave the correct prescription 6 to the patient. 7 A It was -- 8 Q When -- when did she give the correct prescription? 9 A It was, like, two days, sequential -- 10 Q Okay. 11 A -- days. 12 Q Well, what -- what are the dates? I -- 13 A The prescription number is there. You can just try to 14 get, if you want -- 15 Q Well, give -- 16 A -- to get it. 17 Q -- me -- where -- when was this in connection with -- in 18 -- to June 28th? Was it just a couple days before 19 June 28th? 20 A These kind of prescription? 21 Q Not this kind. This particular prescription that you're 22 saying is an instance of Medicare fraud. 23 A It was -- I think it was, like, maybe three or four 24 months before leaving the pharmacy. 25 Q It occurred three to four months before you left?</p>	<p style="text-align: right;">Page 231</p> <p>1 you became aware of this alleged Medicare fraud? 2 A Maybe it was July 10th or July 11th. 3 Q Okay. 4 A Something like that. 5 Q How did you discover this if it was three to four months 6 old at the time of the discovery? 7 A When you want to -- to put somebody on a prescription, 8 and he coming to you just to do it, you have to open 9 that -- that -- this profile, so everything with a 10 history pops up and you can find everything under his 11 name. The lady was there, she asked him to -- this time 12 to do the right one. She was from more than three 13 months and she came just before leaving, or something 14 like this. 15 So when she came to me, she asked it, "Can 16 this time try to do the -- the -- your proper job, guys? 17 Because the last time I already got the -- the wrong 18 medication." 19 I told him [sic], "Give me that -- the 20 prescription, first and last, and the ID for your 21 husband." 22 I just put everything there, and I tried to 23 figure out about the history there. I found that he was 24 on -- on this kind of medication for more than two years 25 or three years. But during this kind of medication, I</p>
<p style="text-align: right;">Page 230</p> <p>1 A Yes. 2 Q All right. 3 A It was -- it happened before leaving the pharmacy, like 4 three or four -- four months before -- before leaving 5 the pharmacy. 6 Q Well, if it happened, when did you become aware of it? 7 A I -- you know, I -- accidentally, I already aware about 8 this kind of medication maybe, like, two days or three 9 days before leaving, because the patient already on this 10 medication, and she -- for a long time. This kind of 11 medication, the doctor just wrote it every three months, 12 so he give him the prescription and he supposed to fill 13 it every three months. 14 Q When did you become aware of what you -- 15 A Maybe -- 16 Q -- claim is Medicare fraud? 17 A Maybe two -- two days, or -- 18 Q Before what? 19 A Before leaving the pharmacy. 20 Q Before you left? 21 A Yeah. 22 Q And you left on July 22, 2013? 23 A This -- this is a very big question mark. I don't know 24 when I just got my termination. I don't know. 25 Q All right. Well, you -- sometime in mid-July is when</p>	<p style="text-align: right;">Page 232</p> <p>1 found something a little bit different. I tried to see 2 it, and I found different -- different from that what he 3 already got. 4 I asked the patient, "So did you get this kind 5 of medication?" 6 She said, "Yes." 7 Okay. But -- but it is still there. It is 8 still there under that -- that -- that -- that -- 9 Q What do you mean it's "still there"? 10 A It's still under the patient's name. It is in the 11 profile. It is -- that prescription number's still 12 there. The number, you already got, is still there. 13 The -- the -- I tried to see it, and I found that it is 14 already sent to Medicare and tried to see the -- the 15 right prescription, I found that it was sent to 16 Medicare. I tried to find a hard copy for the wrong 17 one. There is nothing. You know what I mean? 18 When you get a prescription number, it's 19 supposed to have a hard copy before getting the number. 20 I couldn't find the number which already -- that -- that 21 patient on there. There is a number, but there is no 22 hard copy. 23 Q What does that suggest if you couldn't find the hard 24 copy? Why does that indicate to you that -- 25 A It indicates that's --</p>

<p style="text-align: right;">Page 233</p> <p>1 Q -- that's --</p> <p>2 A -- the patient. The patient's already on wrong</p> <p>3 medication, and we didn't recover this kind of</p> <p>4 prescription.</p> <p>5 Q I'm not tracking you. All right. So they -- they got</p> <p>6 the wrong prescription, but what does the lack of -- at</p> <p>7 one point in time, and then they got the right one.</p> <p>8 What does the lack of a hard copy have to do</p> <p>9 with -- do with your fraud claim?</p> <p>10 A If you don't have a prescription, how do you get</p> <p>11 medication?</p> <p>12 Q Well, are you suggesting that she gave a prescription to</p> <p>13 somebody who didn't have a prescription, or she gave</p> <p>14 medication to somebody --</p> <p>15 A She give --</p> <p>16 Q -- when they didn't have a prescription?</p> <p>17 A She give the same patient the wrong one, and she gave</p> <p>18 that same patient the right one. So the patient has</p> <p>19 both of them. And the patient already -- the -- the two</p> <p>20 -- the two prescriptions submitted to Medicare.</p> <p>21 If you are going to -- to do a prescription</p> <p>22 right, you have to reverse the wrong one. You know what</p> <p>23 the meaning of reverse? The claim reverse it. So there</p> <p>24 is no -- any other money coming, not more than -- the</p> <p>25 hard copy already got -- got -- have it. The hard copy</p>	<p style="text-align: right;">Page 235</p> <p>1 THE WITNESS: Okay. You give a medication</p> <p>2 regarding two prescription from a doctor; right?</p> <p>3 MS. HARDY: Um-hmm.</p> <p>4 THE WITNESS: Where is that prescription for</p> <p>5 this one?</p> <p>6 BY MS. HARDY:</p> <p>7 Q I'm not -- I'm not following you in connection with your</p> <p>8 fraud allegation.</p> <p>9 A That's what I want to try to -- to help a little. If</p> <p>10 you have the hard copy you can fill the prescription.</p> <p>11 Q Yeah.</p> <p>12 A If you don't have hard copy, it is supposed to give you</p> <p>13 wrong or right, or whatever you say, about -- about the</p> <p>14 prescription.</p> <p>15 Q Well, let's say a mistake is made, and she sees a -- the</p> <p>16 prescription for one medication, and she fills it with</p> <p>17 the wrong one and she gives it to the patient.</p> <p>18 A Um-hmm.</p> <p>19 Q And then she gives them the right prescription when she</p> <p>20 realizes her error.</p> <p>21 A Okay.</p> <p>22 Q Okay. How do you get to Medicaid fraud?</p> <p>23 MS. LINDERMAN: Objection to form and</p> <p>24 foundation.</p> <p>25 THE WITNESS: You have --</p>
<p style="text-align: right;">Page 234</p> <p>1 you already give to the patient.</p> <p>2 Q Okay. And how do you know she did not take the proper</p> <p>3 steps to reverse the wrong medication?</p> <p>4 A Because the number is still there. The prescription</p> <p>5 number is still there.</p> <p>6 Q And so that suggests to you that she did not try to</p> <p>7 reverse it --</p> <p>8 A Exactly.</p> <p>9 Q -- just simply because the number's there?</p> <p>10 A Exactly. If you delete it -- it's number 1. You -- you</p> <p>11 discovered that number 1 is wrong, and you put another</p> <p>12 number, which coming, like, number 2 right, you have it.</p> <p>13 Number 1 will not show up with -- with -- other than</p> <p>14 this name.</p> <p>15 Q What if they just made an error and forgot to take the</p> <p>16 number out of the system?</p> <p>17 A When you delete it, it's pretty much out. When you</p> <p>18 delete it.</p> <p>19 Q Well, I understand when you delete it. Maybe they</p> <p>20 forgot to delete it. Why does that suggest that they</p> <p>21 engaged in fraud with the federal government just</p> <p>22 because they didn't delete a number in the system at</p> <p>23 Walgreen's?</p> <p>24 MS. LINDERMAN: Objection to form and</p> <p>25 foundation.</p>	<p style="text-align: right;">Page 236</p> <p>1 MS. LINDERMAN: She's not a lawyer.</p> <p>2 THE WITNESS: You have to reverse it before</p> <p>3 doing the right one. Reverse the claim. Reverse the</p> <p>4 wrong claim --</p> <p>5 MS. HARDY: Um-hmm.</p> <p>6 THE WITNESS: -- and put the right one.</p> <p>7 Reverse it.</p> <p>8 MS. HARDY: Yeah.</p> <p>9 THE WITNESS: Before doing anything, it's</p> <p>10 supposed to reverse it. You can do the right thing.</p> <p>11 All of us, we -- we do mistakes. But when I am trying</p> <p>12 to do the right one, I cannot do mistakes, also, with --</p> <p>13 with the insurance, or it's just open for everybody just</p> <p>14 to -- to give a wrong prescription with no hard copy.</p> <p>15 BY MS. HARDY:</p> <p>16 Q Have you described all the facts that support your</p> <p>17 allegation that Ms. Spencer engaged in Medicare or</p> <p>18 fraud?</p> <p>19 A Did I ask -- did I tell somebody there?</p> <p>20 Q No.</p> <p>21 Have you told me, on this record, every fact</p> <p>22 you have to support your claim that Ms. Spencer engaged</p> <p>23 in Medicare fraud?</p> <p>24 A Yes. That's what I already have right now.</p> <p>25 Q Let's go to your fourth example of improper conduct by</p>

<p style="text-align: right;">Page 237</p> <p>1 Ms. Spencer. That was that she changed the instructions 2 on the use of Control 2 medications without permission 3 from the doctor. 4 A Yes. 5 Q When do you claim she did that? 6 A I don't have the right -- the right date for this 7 prescription. But anyway, it was for Control 2 8 substance, and this prescription supposed to be for 9 90 tablets because the -- the -- the patient already 10 supposed to have it, like, three times daily. Insurance 11 didn't cover more than twice daily. 12 So she change it, the -- the instruction and 13 put BID. BID means twice a day. And changed it TID, 14 which is the doctor already just stopped. And TID means 15 three times. 16 Q Okay. What was the medication involved? 17 A I don't have that prescription right now. Maybe we can 18 ask about the document from -- 19 Q What was the date? 20 A It was in February, I think. 21 Q February 2013? 22 A That's what I think. I'm not pretty sure from that. 23 Q All right. How did you come in contact with this 24 situation? 25 A This prescription is just fine, and it was -- there is a</p>	<p style="text-align: right;">Page 239</p> <p>1 That's what he said, and hanged up on me. 2 That's okay. And after that, I tried to reach 3 my manager -- pharmacy manager -- Donna Spencer, and 4 told her that. So she told me, "So what. What I have 5 to do? His insurance didn't accept more than 60. I 6 changed the instruction to twice daily just to give him 7 the prescription." 8 She was, um-hmm, new in the pharmacy practice 9 at this moment. So I told her, "It's okay, but he's 10 going to call me again. What do you want me to tell 11 him?" 12 She said, "If he calls you, again, just let 13 him call me with my shift." 14 That's okay. After, like, two days I found 15 that his doctor called me, and they're screaming at me, 16 and he -- he told me, "You cost me another prescription 17 to give it to -- to the patient. Another 30 -- 18 30 tablets to cover her, and you don't -- you -- 19 improper way to get your job, and -- to do your job, and 20 this is -- if I -- if I have time, I will sue you guys. 21 You destroyed the whole family." 22 "I -- you change it -- an instruction from 23 three times to twice without getting permission from me. 24 Do you know anything about -- about the law with 25 Control 2? I think you are totally done. Sorry for</p>
<p style="text-align: right;">Page 238</p> <p>1 label there. Everything is just fine with the name of 2 the patient, name of the doctor, everything was fine. 3 And it was filed in there with the prescription. 4 But I got the call at -- so it was -- I think 5 it was in February, and I found one -- I'm not sure of 6 the relation between the -- the patient and this guy who 7 called me. And he was screaming a lot over the phone, 8 and he said, "If you don't know, guys, how to do a 9 prescription, I think you have to close it. You -- you 10 -- you hurt my" -- maybe his wife or some -- I'm not 11 sure. 12 But he -- he was screaming at me, and I told 13 him, "Just one -- one minute, sir. I'm going to get all 14 the information from you. Can you just repeat what you 15 said?" 16 And he said that from, like, a little bit like 17 two weeks or three weeks, he already got a prescription 18 from us, and now he is -- ran out for medication, and -- 19 and his wife, or -- or the one related to him, is in -- 20 need it, and he couldn't find any. And that's what he 21 told me. 22 "I'm so sorry for that, but I will forward all 23 this stuff to my -- to my manager. Please, sir, I'm so 24 sorry for what happened. Please, just calm down." 25 And he said, "I'll never deal with you again."</p>	<p style="text-align: right;">Page 240</p> <p>1 that." 2 Q All right. How do you know that he was accurate that 3 she changed the prescription from three to two? An 4 irate patient/customer may claim that, but how do you 5 know that they're correct? 6 A The description, itself, say that three times daily and 7 number 90. 8 Q Well, the prescription said three. Did you -- and do 9 you know whether or not the -- the instructions on the 10 label said three or two? 11 A Two. 12 Q And how do you know that? 13 A That is labeled there and it was with the prescription, 14 itself. 15 Q All right. So you're claiming the prescription, itself, 16 on the vial it says three, and the label says two? 17 A And she changed the instruction with her handwriting 18 from TID to -- 19 Q Okay. 20 A -- BID. 21 Q How do you know if that, indeed, is accurate what you've 22 just said that she didn't have permission from the 23 doctor? 24 A First of all, because the doctor when changes that -- 25 that instruction, he's supposed to give me a new</p>

<p style="text-align: right;">Page 241</p> <p>1 prescription for Control 2. There is nothing you can --</p> <p>2 you can scratch it. You can -- you can cross over and</p> <p>3 put anything. If he's going to do that, he's supposed</p> <p>4 to give me a new prescription, or at least he's supposed</p> <p>5 to sign it and put his DA number.</p> <p>6 MS. LINDERMAN: DEA?</p> <p>7 THE WITNESS: Number, right.</p> <p>8 MS. LINDERMAN: Okay. I thought you said DA.</p> <p>9 BY MS. HARDY:</p> <p>10 Q All right. And you checked the file and you confirmed</p> <p>11 that there is neither a new prescription nor an initial</p> <p>12 change to the initial prescription?</p> <p>13 A There's nothing there more than her handwriting.</p> <p>14 Q Than her what?</p> <p>15 A Donna Spencer's handwriting.</p> <p>16 Q All right. And that's -- that's all that's in the file</p> <p>17 that indicates the change?</p> <p>18 A Yes.</p> <p>19 Q Okay. All right. So was that one instance or more than</p> <p>20 one instance when you claim she changed the instructions</p> <p>21 on the use of a -- of a Control 2 medication?</p> <p>22 A Can you repeat it, again, please?</p> <p>23 Q Is there one instance, or more than once instance, where</p> <p>24 you claim Donna Spencer changed the instruction on the</p> <p>25 use of a Control 2 medication?</p>	<p style="text-align: right;">Page 243</p> <p>1 of them, and they're all from the beginning.</p> <p>2 They're data -- data entry until the time she</p> <p>3 would file all those stuff, you are going to find her</p> <p>4 initials everywhere, everywhere, with the two prescriptions.</p> <p>5 Q Did you keep a copy?</p> <p>6 A It is there with that -- with that document, itself,</p> <p>7 with the -- the date, yeah.</p> <p>8 Q Did you -- did you make a copy of that and give it to</p> <p>9 your lawyer?</p> <p>10 A Yes, it's there. Yes, it is there with them.</p> <p>11 Q All right. So we're going to be able to identify that</p> <p>12 document that supports this allegation?</p> <p>13 A Yes. You are going to find it. It is -- this thing</p> <p>14 like this with two labels there and it's two numbers.</p> <p>15 Q All right. Okay. Now, of these various violations that</p> <p>16 you claim Ms. Spencer committed in connection with the</p> <p>17 dispensing of Control 2 substances, to whom, if anybody,</p> <p>18 did you share this information, or with whom did you</p> <p>19 share this information?</p> <p>20 MS. LINDERMAN: Objection to form and</p> <p>21 foundation.</p> <p>22 THE WITNESS: With who did I --</p> <p>23 BY MS. HARDY:</p> <p>24 Q Who did you talk to about -- about this?</p> <p>25 MS. LINDERMAN: Outside of me? Her --</p>
<p style="text-align: right;">Page 242</p> <p>1 A Control -- I don't have any other -- yeah.</p> <p>2 Q All right. Let's go to your last example when you claim</p> <p>3 that one prescription was split into two. When it was</p> <p>4 just one prescription, and then the -- it was filled</p> <p>5 through two prescriptions.</p> <p>6 A Yes.</p> <p>7 Q Did I describe that correctly?</p> <p>8 A Yes, exactly.</p> <p>9 Q Okay. On how many occasions do you claim that occurred</p> <p>10 in connection with Donna Spencer?</p> <p>11 A One.</p> <p>12 Q When was that?</p> <p>13 A One.</p> <p>14 Q When?</p> <p>15 A When? Sorry. I don't have --</p> <p>16 Q Can you give me any time frame at all?</p> <p>17 A I'm sorry. I don't have the -- the time for this</p> <p>18 prescription, but I think it --</p> <p>19 Q What can you tell me about it that would help identify</p> <p>20 it?</p> <p>21 A That -- the -- the document will [sic] coming to you.</p> <p>22 I'm not sure -- it can help you more than me right now,</p> <p>23 because the document, there -- there was a hard copy</p> <p>24 like this, and there was, like, two labels there with</p> <p>25 two prescription numbers, and with her initials on all</p>	<p style="text-align: right;">Page 244</p> <p>1 MS. HARDY: Right.</p> <p>2 MS. LINDERMAN: -- attorney.</p> <p>3 Okay. I just want to make sure.</p> <p>4 THE WITNESS: That's what I transferred to</p> <p>5 Ms. Linderman.</p> <p>6 BY MS. HARDY:</p> <p>7 Q All right. Let me rephrase it.</p> <p>8 All right. You claim Ms. Spencer committed a</p> <p>9 number of violations in connection with dispensing</p> <p>10 Control 2 substances. Other than your attorney, did you</p> <p>11 tell anybody about these particular violations that</p> <p>12 you've identified?</p> <p>13 A I told my husband.</p> <p>14 Q Okay.</p> <p>15 A But even -- because he is a genarian (ph), so he didn't</p> <p>16 get any -- any clue about what I -- I said.</p> <p>17 Q Who other than your husband did you tell, if anyone?</p> <p>18 A I tried to get advice from one of Walgreen's -- he</p> <p>19 already left Walgreen's. His name is Anton.</p> <p>20 Q Can you spell his name for us?</p> <p>21 A A-N-T-O-N.</p> <p>22 Q And where does he work within Walgreen's?</p> <p>23 A Sorry?</p> <p>24 Q Where does he work within Walgreen's?</p> <p>25 A You know, I will give it to you. Which -- which -- what</p>

<p style="text-align: right;">Page 245</p> <p>1 store you are talking about, I will give it to you right</p> <p>2 away. His -- his store number was 4864.</p> <p>3 Q What position did he hold?</p> <p>4 A Pharmacist. I'm not sure. Pharmacist, or -- I think</p> <p>5 pharmacist for more than four years. Something like</p> <p>6 this. Four years or five --</p> <p>7 Q Okay.</p> <p>8 A -- years.</p> <p>9 Q Did you talk to anybody else about these alleged --</p> <p>10 A Um --</p> <p>11 Q -- violations?</p> <p>12 A What I wanted to tell you about that, even, it is just</p> <p>13 something, like -- even he didn't, you know, all this</p> <p>14 kind of -- of -- of particular stuff. He just heard</p> <p>15 about something, like, general -- general information.</p> <p>16 I don't think even he heard about the Medicare</p> <p>17 -- I -- you know, I found this kind of Medicare -- Medicare</p> <p>18 fraud. I just said to Ms. Linderman, I --</p> <p>19 MS. LINDERMAN: Don't say anything --</p> <p>20 MS. HARDY: Yeah.</p> <p>21 MS. LINDERMAN: -- between me and you.</p> <p>22 THE WITNESS: Okay.</p> <p>23 BY MS. HARDY:</p> <p>24 Q All right. You -- you told your husband something about</p> <p>25 the alleged violations. You gave a very general</p>	<p style="text-align: right;">Page 247</p> <p>1 Q No, I'm not talking about Anton. I want to know if</p> <p>2 there's any other people you shared this information</p> <p>3 with.</p> <p>4 A Jeremy Willis, that's what I already told him.</p> <p>5 Q Okay. Anyone else?</p> <p>6 A I don't think so.</p> <p>7 Q All right. So the people that -- that you told about</p> <p>8 Donna Spencer's violations, at least from your point of</p> <p>9 view, are your husband, Anton, and Jeremy Willis?</p> <p>10 A Yes, that's --</p> <p>11 MS. LINDERMAN: Objection --</p> <p>12 THE WITNESS: -- what I can -- that's what I</p> <p>13 can remember.</p> <p>14 MS. HARDY: Okay.</p> <p>15 MS. LINDERMAN: Form and -- object to form --</p> <p>16 MS. HARDY: Did you --</p> <p>17 MS. LINDERMAN: -- and foundation.</p> <p>18 BY MS. HARDY:</p> <p>19 Q Okay. What did you tell Jeremy Willis?</p> <p>20 A I forwarded him the same -- that same email to both of</p> <p>21 them at the same time.</p> <p>22 Q To -- to who? To --</p> <p>23 A To Ms. Amy --</p> <p>24 Q Um-hmm.</p> <p>25 A -- and to Mr. Jeremy --</p>
<p style="text-align: right;">Page 246</p> <p>1 description to Anton.</p> <p>2 A I --</p> <p>3 Q Is there --</p> <p>4 A I tried --</p> <p>5 Q -- anybody else that you shared this information with?</p> <p>6 A The information, I tried to -- to tell him that I -- I</p> <p>7 found shortage. This is the only thing. I already</p> <p>8 called him, maybe, on June -- June what?</p> <p>9 Q Are you referring to Anton right now?</p> <p>10 A Sorry?</p> <p>11 Q Are you referring to Anton?</p> <p>12 A Yeah. I told him that, "There's a shortage there with</p> <p>13 one of Control 2 medication. I discovered that from</p> <p>14 June 9th -- June 19th, and -- and I don't know, even,</p> <p>15 what I have to do with that. That supervisor didn't</p> <p>16 listen. That -- that -- that manager didn't listen, and</p> <p>17 I am in trouble right now. I don't know who I'm supposed</p> <p>18 to tell."</p> <p>19 Q Okay.</p> <p>20 A He told me --</p> <p>21 Q I -- I'm just trying to get a list of names right now.</p> <p>22 A Okay.</p> <p>23 Q Okay. Is there anybody else you --</p> <p>24 A That's what I already got. Anton just was a shortage</p> <p>25 of --</p>	<p style="text-align: right;">Page 248</p> <p>1 Q All right.</p> <p>2 A -- Willis.</p> <p>3 Q All right. So when you made your report about</p> <p>4 Donna Spencer's alleged violations of the rules and</p> <p>5 regulations concerning the dispensing of Control 2</p> <p>6 substances, you made that report through an email to</p> <p>7 Jeremy Willis and Amy Yadmark?</p> <p>8 A Yeah. She knows that, yes.</p> <p>9 Q Okay. And you are referring to --</p> <p>10 MS. HARDY: Tom, can you hand me that?</p> <p>11 MR. DAVIS: It's Exhibit 5.</p> <p>12 MS. HARDY: Exhibit -- oh, is it Exhibit 5?</p> <p>13 MR. DAVIS: It's Exhibit 5, I believe.</p> <p>14 BY MS. HARDY:</p> <p>15 Q And can you look at Exhibit 5, please?</p> <p>16 A Yes.</p> <p>17 Q Is Exhibit 5 the report that you made to Amy and Jeremy</p> <p>18 about Donna Spencer's alleged violations of the rules</p> <p>19 and regulations concerning the dispensing of Control 2</p> <p>20 substances?</p> <p>21 MS. LINDERMAN: Object to form and foundation.</p> <p>22 MS. HARDY: Or Control 2 medications.</p> <p>23 Why don't we go off the record for a moment?</p> <p>24 First, can you --</p> <p>25 THE VIDEOGRAPHER: Okay.</p>

<p style="text-align: right;">Page 249</p> <p>1 MS. HARDY: -- answer the question?</p> <p>2 First, answer the question, and we'll go off</p> <p>3 the record.</p> <p>4 THE WITNESS: Can you repeat the question --</p> <p>5 MS. HARDY: Yes.</p> <p>6 THE WITNESS: -- please, again?</p> <p>7 BY MS. HARDY:</p> <p>8 Q Is Exhibit 5 -- the document you have in front of you --</p> <p>9 the document that you were referring to in your</p> <p>10 testimony, just moments ago, when you claimed that you</p> <p>11 reported Donna Spencer's alleged violations?</p> <p>12 A Um-hmm.</p> <p>13 Q Yes?</p> <p>14 A Yes.</p> <p>15 MS. HARDY: Okay. Now, we can go off the</p> <p>16 record.</p> <p>17 THE VIDEOGRAPHER: Okay. This completes disc 3.</p> <p>18 We're off the record at 4:09.</p> <p>19 (Whereupon a break was taken</p> <p>20 from 4:09 p.m. to 4:15 p.m.)</p> <p>21 THE VIDEOGRAPHER: We are back on the record</p> <p>22 at 4:15. This is disc 4 of the deposition of</p> <p>23 Mervat Mikhaeil. Please proceed.</p> <p>24 BY MS. HARDY:</p> <p>25 Q The substance of your report that you made, in</p>	<p style="text-align: right;">Page 251</p> <p>1 That's the letter you sent to Mr. Schmidt;</p> <p>2 correct?</p> <p>3 A Yes.</p> <p>4 Q And that's dated July 18, 2013 --</p> <p>5 A Yes.</p> <p>6 Q -- correct?</p> <p>7 A Yes.</p> <p>8 Q And you talked to Susan after you sent the letter to</p> <p>9 Mr. Schmidt; correct?</p> <p>10 A Yes.</p> <p>11 Q Okay. So it was after July 18, 2013; correct?</p> <p>12 A Yes. Yes. Yeah, I'm sorry for that. Yes. Because I'm</p> <p>13 -- I'm a little bit confused between the time I was</p> <p>14 suspended and the time they told me, "No, you are</p> <p>15 terminated."</p> <p>16 So it was on July 11th. And between July 11th</p> <p>17 to July 22nd, I didn't know that I was terminated. I</p> <p>18 was there, and in my -- my -- even my profile with</p> <p>19 Walgreen's open every time. There's nothing wrong with</p> <p>20 that. So I tried to inform Mr. Schmidt about what</p> <p>21 happened with me, and he emailed me back that, "I am on</p> <p>22 vacation out of the state."</p> <p>23 MS. HARDY: He's got my only copy.</p> <p>24 MS. LINDERMAN: Sorry.</p> <p>25</p>
<p style="text-align: right;">Page 250</p> <p>1 connection with Exhibit No. 5, speaks for itself because</p> <p>2 it's in writing, so we don't need to cover that report.</p> <p>3 But did you have any discussions about this</p> <p>4 issue with anyone at Walgreen beyond what's indicated in</p> <p>5 -- in -- in Exhibit 5?</p> <p>6 A As I remember, that's -- there's no one, even -- no. I</p> <p>7 told Ms. Susan Dobrowsky. She called me on July 15th,</p> <p>8 I think. And she -- she tried to get all information</p> <p>9 about that. And this because of recommendation from</p> <p>10 Mr. Schmidt, the vice president of Walgreen's. I</p> <p>11 already -- when I got something like suspension on</p> <p>12 July 11th, I forward to him the whole situation there,</p> <p>13 because I just wanted to -- to be back with the</p> <p>14 Walgreen's.</p> <p>15 Q Did Susan call you after you wrote to Mr. Schmidt?</p> <p>16 A She called me after Mr. Schmidt -- Mr. Schmidt -- I</p> <p>17 didn't call Mr. Schmidt. I just emailed --</p> <p>18 Q No.</p> <p>19 A -- him.</p> <p>20 Q I know. You sent a letter to Kevin Schmidt; correct?</p> <p>21 A Email, yes.</p> <p>22 Q All right. And that was on July 18, 2013; correct?</p> <p>23 A Yes, maybe.</p> <p>24 Q But let me show you a copy of -- of the letter to</p> <p>25 Mr. Schmidt, so you can confirm the date.</p>	<p style="text-align: right;">Page 252</p> <p>1 BY MS. HARDY:</p> <p>2 Q Okay. All right. So let me just make sure I understand</p> <p>3 the sequence of what you reported to Walgreen about</p> <p>4 Donna Spencer's alleged violations of the laws and</p> <p>5 regulations controlling the dispensing of Control 2</p> <p>6 substances.</p> <p>7 You first notified Amy Yadmark on June 25, 2013,</p> <p>8 and you put your report in writing, and that's been</p> <p>9 marked as Exhibit No. 5; correct?</p> <p>10 A Yes.</p> <p>11 Q All right. And you didn't have any discussions with Amy</p> <p>12 about this topic? You just communicated with her</p> <p>13 through email; correct?</p> <p>14 A No. She -- that -- yeah. She tried to make me think,</p> <p>15 on June 28th, just to let me know that this kind of</p> <p>16 HIPAA violation -- to send it from my personal email.</p> <p>17 And she told me that this -- this issue will terminate</p> <p>18 me -- will lead to termination.</p> <p>19 And she gave me, like, a paper and --</p> <p>20 Q This kind of issue meaning the fact that you'd</p> <p>21 photographed prescriptions?</p> <p>22 A Yes.</p> <p>23 Q Okay. All right. So she told you on June 28th, after</p> <p>24 she received your June 25th email, that the fact that</p> <p>25 you photographed terminations [sic] was a violation of</p>

<p style="text-align: right;">Page 253</p> <p>1 HIPAA, and a violation of Walgreen policy, and it could 2 potentially lead to your termination? 3 A Yes. 4 MS. LINDERMAN: Object to -- 5 MS. HARDY: Yes. 6 MS. LINDERMAN: -- form -- 7 MS. HARDY: Okay. 8 MS. LINDERMAN: -- and foundation. You said 9 "termination," when you meant "prescription." 10 MS. HARDY: Thank you for that correction. 11 BY MS. HARDY: 12 Q And after she told you that you could potentially be 13 terminated for copying on your personal phone, the 14 prescriptions, was that the end of your communications 15 with Amy about the issue of violations of the laws 16 concerning the dispensing of Control 2 substances? 17 MS. LINDERMAN: Objection to form and 18 foundation. 19 THE WITNESS: That's what she already told me 20 while I was there in -- in her office. 21 BY MS. HARDY: 22 Q When were you in her office? 23 A On June 28th. It was a Friday, and she asked me to come 24 in there. I went there and she -- she told me, "Mervat, 25 this is -- this is very big violation against HIPAA.</p>	<p style="text-align: right;">Page 255</p> <p>1 Q Calhoun? 2 A Yes. 3 He came to me and he pointed to something 4 there. It was voluntary, and -- 5 Q What's that word you just used? 6 A He -- 7 Q Voluntary? 8 A Yeah. 9 Q Okay. 10 A Like this, and he said (witness shakes head). That's 11 what he already did with his -- with his head, and he 12 said, "No." 13 And I stopped, even, put anything. I just 14 tried to -- to -- to put my -- to express myself, and 15 even didn't put any letter there. 16 When she came back, she asked me, "Mervat, 17 what is wrong with you? Why you didn't express 18 yourself, and put your signature there?" 19 I told her, "I'm sorry for that, but can I 20 take it and do it at home, please?" 21 She snatched it -- 22 Q Was that the STARS policy that she wanted you to sign? 23 A This was a paper. Even I don't know what was there. 24 Q Do you recall a discussion with Ms. Yadmark and 25 Mr. Calhoun about a patient whose son had called the</p>
<p style="text-align: right;">Page 254</p> <p>1 Can you just try to tell me why you did that?" 2 Q Um-hmm. 3 A I tried to tell her verbal, but she said, "No, sorry. 4 Can you just do that, like -- like handwritten here, and 5 after that sign there?" 6 I tried to read a paper there. It is coming 7 like a lot of lines there, so I just -- I want to read 8 it. 9 She said, "Mervat, you know, just express 10 yourself, why you did that, just put it there. I will 11 leave you, like, five minutes to do photocopies for -- 12 for some -- some document and coming back right away." 13 And there was a -- a witness there, he is LPS, 14 she told me about him, and she said that the LPS, or 15 loss prevention supervisor, is supposed to be -- he 16 doesn't know anything about the issue. He doesn't know 17 anything but just as a witness, and is supposed to be. 18 Okay. And -- 19 Q That was John Calhoun; correct? 20 A Yes, exactly. 21 And when I tried to jot down why I just 22 photographed that and sent it to her, she left that -- 23 that office and went to make photocopies. Mr. -- the 24 loss prevention supervisor, I don't know what is his 25 name.</p>	<p style="text-align: right;">Page 256</p> <p>1 pharmacy and you said his father had given the wrong -- 2 had been given the wrong medication? 3 A I -- yes. I thought she -- she asked me, "Do you have 4 another stuff with Ms. -- Mrs. Spencer?" 5 I told her, "Yes. I have something there." 6 And I -- once I started to tell her about this 7 -- this prescription, she said, "Why you didn't STAR 8 her?" 9 I told her that STAR is something like program 10 with Walgreen's. It is coming, like, form for 11 everybody. For every -- for every STAR. It's supposed 12 to put the name of that -- that -- the wrong -- the name 13 of the medication. The name of the patient, which I 14 already have the name of the patient, because that 15 patient was in front of me. 16 But I didn't get the medication, which was 17 wrong. I didn't get that -- that name of that other 18 patient. They gave it to her by mistake. They give her 19 another prescription for another patient. You know what 20 I mean? She gave him, the patient, all the stuff -- all 21 the stuff for -- totally for another patient. Something 22 like -- like this, also, coming like a HIPAA violation 23 in a way. 24 But -- but that patient got the wrong one, and 25 when his wife tried to give him the medication, the son</p>

<p style="text-align: right;">Page 257</p> <p>1 screamed out, and said, "Don't -- don't give him anything. 2 This is the wrong one." 3 And he read the first name and last name and 4 the -- the medication, and he said, "This is not his." 5 And he took all -- all -- 6 Q Were you the one dealing with him? 7 A Dealing with the patient? 8 Q Yes. 9 A After, like, seven days after. I tried to get all -- 10 any -- any kind of information from the patient, like, 11 for who this -- this -- this medication. He didn't -- 12 he couldn't remember. What was in the -- in the bottle? 13 He couldn't remember. What is the day there? He 14 couldn't remember. Those are stuff that you -- the form 15 of STAR always asked you. If you didn't put that -- 16 those required data, it will not go through STAR. It 17 will not go through it. 18 If you wanted to get something to let it go, 19 put every single data you already have, something like 20 your name -- first name, last name, date of birth -- and 21 that patient's first name, the wrong patient -- date of 22 birth, the name of medication, itself, and how many is 23 in there for what this prescription, and for what the 24 other prescription. 25 The patient, himself, is not educated. He</p>	<p style="text-align: right;">Page 259</p> <p>1 MS. LINDERMAN: Objection. 2 BY MS. HARDY: 3 Q All right. And you knew the patient's name? 4 A Yes. I know him. 5 Q And what did the patient tell you? 6 A The patient told me I got the wrong prescription for 7 another patient. 8 Q Well, for -- for whom? For his father? 9 A For his father. 10 Q You knew his father's name? 11 A Yes. 12 Q Okay. And did he bring back the wrong prescription? 13 A No. He didn't give me anything. He just told me that 14 story. That's it. 15 Q All right. But you knew when he'd gotten the 16 prescription; right? 17 A He got it on May 5th or May 6th. 18 Q Okay. 19 A Yes. 20 Q All right. 21 A Um-hmm. 22 Q And so you knew the patient's name, the date on which 23 they claim the wrong prescription was given. The only 24 thing you didn't know was what prescription they got? 25 A What -- what medication for who?</p>
<p style="text-align: right;">Page 258</p> <p>1 couldn't -- couldn't tell anything. I told her that -- 2 I told her, "I couldn't STAR him." 3 But he -- at the -- at the same moment, that 4 -- that -- that son came back and gave it to 5 Mrs. Spencer, and she didn't STAR herself. It -- there 6 is nothing forwarded to me even to get it. It is 7 something in your hand right now. It is not in my hand. 8 This day was my Easter, and I wanted this day 9 off. I took this day off. So I wasn't there. I didn't 10 get any information. 11 Q What do you mean you weren't there? 12 A I wasn't -- at this date, I -- I took this date off 13 because it was my Easter. 14 Q What day are you referring to? 15 A It was on May 5, 2013. 16 Q All right. So you're claiming the -- the -- the son 17 called the pharmacy on what day? 18 A No. He came to me the day after, maybe May 5th or 19 May 6th, because I took these two days off. So maybe 20 May 5th or May 6th. That patient came on May 13th. 21 Q May 13th? 22 A Yes. 23 Q The patient came into the pharmacy and you talked to the 24 patient? 25 A Yes.</p>	<p style="text-align: right;">Page 260</p> <p>1 Q Well, you knew who it was for. You knew it was for the 2 -- for the father of the -- of the person in front of 3 you; correct? 4 A The wrong -- the wrong patient, they gave it to him. 5 The wrong medication -- the wrong medication was labeled 6 with a wrong -- with the -- the patient. 7 Q I understand. 8 You knew the patient who'd gotten a wrong 9 medication and the date when they got the wrong 10 medication, you just didn't know what particular 11 medication they received that they should not have 12 received. That's all correct, is it not? 13 MS. LINDERMAN: Objection to form and 14 foundation. 15 THE WITNESS: Okay. 16 BY MS. HARDY: 17 Q Let's -- let's start over. 18 You knew who was in front of you, the son of 19 the father. The son of the patient; correct? 20 A I -- I just concerned about the patient, himself. The 21 first and last, because even I don't know -- 22 Q Okay. Just -- 23 A -- the son. 24 Q -- answer my question. You knew who the son of the 25 patient was. He was there in front of you complaining;</p>

<p style="text-align: right;">Page 261</p> <p>1 correct?</p> <p>2 A The son, himself, this -- this was the first time to see</p> <p>3 him.</p> <p>4 Q I -- I don't care if it's the first time. You knew who</p> <p>5 he was. He gave --</p> <p>6 A He was --</p> <p>7 Q -- you his name?</p> <p>8 A Yeah, right. He was in front of me.</p> <p>9 Q And you knew that he told you that his father had gotten</p> <p>10 the wrong prescription; right?</p> <p>11 A His mom got the wrong prescription for his -- his</p> <p>12 father, yes.</p> <p>13 Q All right. So you knew the father of the person in</p> <p>14 front of you had gotten the wrong prescription, and you</p> <p>15 knew the date on which he'd gotten the wrong prescription --</p> <p>16 A Exactly.</p> <p>17 Q -- right?</p> <p>18 Okay.</p> <p>19 A Um-hmm.</p> <p>20 Q And you knew what prescription he should have gotten,</p> <p>21 because that was in the records; right?</p> <p>22 A No. It -- there's a lot of records there, so even you</p> <p>23 don't know which one they give it to.</p> <p>24 Q Well, on a particular date, you knew what prescription</p> <p>25 the pharmacy had been asked to give to him; right?</p>	<p style="text-align: right;">Page 263</p> <p>1 Q -- you told Ms. Yadmark and Mr. Calhoun that his father</p> <p>2 was given the wrong medication?</p> <p>3 A Yes.</p> <p>4 Q Okay. So you knew it was the father of the person in</p> <p>5 front of you who got the wrong medication, and you knew</p> <p>6 the date. You just didn't know what medication they</p> <p>7 were supposed to get, or what medication they actually</p> <p>8 got?</p> <p>9 A Exactly.</p> <p>10 Q Okay. And you're claiming that you had no obligation,</p> <p>11 under those circumstances, to prepare a STARS report?</p> <p>12 A I -- I can't do any kind of a STAR, without getting all</p> <p>13 the information. You can't -- you can't come in by</p> <p>14 yourself just to tell me a story, and after that I can</p> <p>15 put there with a STAR. A STAR means that I have to fill</p> <p>16 out every single data there. It --</p> <p>17 Q So you're -- you're telling me that if you happen to be</p> <p>18 missing one little bit of information, you're not</p> <p>19 supposed to report anything at all? You either have to</p> <p>20 report every little bit or nothing?</p> <p>21 MS. LINDERMAN: Objection to form and</p> <p>22 foundation.</p> <p>23 THE WITNESS: Yes, exactly. If you called in</p> <p>24 to fill out every single -- every -- every single data</p> <p>25 there, it may be you are trying to cheat me, or you</p>
<p style="text-align: right;">Page 262</p> <p>1 A Yeah. It is coming, like, a bunch of medication to the</p> <p>2 patient, a bunch of them. He has a lot of health</p> <p>3 issues, so he had, like, 12 medications. Which one --</p> <p>4 Q Twelve medications that he was supposed to get on</p> <p>5 May 5th or 6th?</p> <p>6 A Yeah.</p> <p>7 Q Are you sure?</p> <p>8 A Something like -- I'm not sure.</p> <p>9 Q Did you check?</p> <p>10 A I checked and found a lot of prescriptions, and I asked</p> <p>11 him, "Do you have any clue which one was wrong?"</p> <p>12 He said, "No."</p> <p>13 I told him, "There is a label there. There is</p> <p>14 first name, last name, with that -- with this</p> <p>15 medication. Do you know which -- which -- for which</p> <p>16 patient it was there?"</p> <p>17 He told me that was -- "Maybe she, maybe he,</p> <p>18 but I -- I didn't get the first or last name."</p> <p>19 "Is this -- is this something" --</p> <p>20 Q But you didn't --</p> <p>21 A -- "that I have" --</p> <p>22 Q You said you --</p> <p>23 A -- "to care" --</p> <p>24 Q -- you --</p> <p>25 A -- "about?"</p>	<p style="text-align: right;">Page 264</p> <p>1 don't like that -- this -- this lady --</p> <p>2 BY MS. HARDY:</p> <p>3 Q So what does that mean, "trying to cheat me"?</p> <p>4 A It --</p> <p>5 Q What does that have to do with it?</p> <p>6 A Maybe you do it just to -- to hurt her. To tell me to</p> <p>7 hurt her. You want to STAR her for no reason.</p> <p>8 Q Who are you referring to?</p> <p>9 A I'm trying to tell -- this happened for one of the</p> <p>10 customers. It happened from Ms. Spencer. That's what I</p> <p>11 already found, that she -- that is supposed to give the</p> <p>12 right -- the right patient the right medication. She</p> <p>13 gave the wrong patient the -- the right patient -- wrong</p> <p>14 medication for wrong patient.</p> <p>15 Q Well, okay. And -- and you're supposed to report that,</p> <p>16 so that Walgreen's knows that a mistake has been made?</p> <p>17 A That's what I did. I reported the issue to Ms. --</p> <p>18 Ms. Amy, and I told her that, "This issue -- I couldn't</p> <p>19 STAR the -- the issue, because the system didn't let me</p> <p>20 go through it, because asked me, 'Who is the wrong</p> <p>21 patient?' I don't have any clue."</p> <p>22 Q Okay.</p> <p>23 A "Who is that -- that -- that -- that -- that -- what was</p> <p>24 the wrong medication? I don't have any clue. How many</p> <p>25 is -- was in there? I don't have any clue. So I didn't</p>

<p>Page 265</p> <p>1 do this STAR, because I don't have it."</p> <p>2 And she asked me, "Why you didn't do it? This</p> <p>3 is wrong. And you're coming to me just to say that</p> <p>4 there is a STAR?"</p> <p>5 "Yes, ma'am. I'm trying to tell you, because</p> <p>6 the one who handle it -- the -- the -- the -- the wrong</p> <p>7 prescription is supposed to do it. It's supposed to --</p> <p>8 to STAR himself right away. It's supposed to put</p> <p>9 that -- that" --</p> <p>10 Because everything was in the label. If you</p> <p>11 got the label out, and you throw it in -- in the</p> <p>12 garbage, you cannot --</p> <p>13 Q Why did --</p> <p>14 A -- submit it.</p> <p>15 Q -- you wait from May 5th or 6th to June 25th to report</p> <p>16 the STARS violation?</p> <p>17 A No. I didn't wait this much. I already report -- maybe</p> <p>18 I didn't say it clear to my -- to the supervisor, but I</p> <p>19 told her that, "There is a lot of issues in the</p> <p>20 pharmacy. Can I try to set up an appointment with you,</p> <p>21 please, just for what -- something" --</p> <p>22 Q That's --</p> <p>23 A -- "happened?"</p> <p>24 Q That's not reporting a particular violation by just</p> <p>25 saying there's a lot of issues in the pharmacy.</p>	<p>Page 267</p> <p>1 May 23rd, I tried to set up an appointment between me</p> <p>2 and her just to let her know everything about that, and</p> <p>3 tried to -- to ask her just to transfer me from there.</p> <p>4 That's what I tried several times --</p> <p>5 BY MS. HARDY:</p> <p>6 Q You -- you emailed many times to different people at --</p> <p>7 at Walmart [sic] when you had complaints. Why didn't</p> <p>8 you email that information if you're claiming the STARS</p> <p>9 system would not let you submit a report, because you</p> <p>10 were missing some details that it needed?</p> <p>11 MS. LINDERMAN: Objection as to form and</p> <p>12 foundation.</p> <p>13 BY MS. HARDY:</p> <p>14 Q Why didn't -- why didn't you notify them by email if you</p> <p>15 weren't able to sit down and talk with someone, and you</p> <p>16 weren't able to enter it into the STARS system?</p> <p>17 MS. LINDERMAN: Objection to form and</p> <p>18 foundation.</p> <p>19 THE WITNESS: Maybe because I have a document</p> <p>20 for that, more than what the -- the -- the patient said</p> <p>21 in front of me. Maybe because I just wanted to be</p> <p>22 transferred from this -- this store. Maybe because I</p> <p>23 was there for the -- maybe -- I was there for the whole</p> <p>24 May and the whole -- whole June with a messed up schedule.</p> <p>25 I couldn't find even time to go to my physician.</p>
<p>Page 266</p> <p>1 Why didn't you report, prior to June 25th,</p> <p>2 that a specific patient had been given the wrong</p> <p>3 medication --</p> <p>4 MS. LINDERMAN: Objection to form --</p> <p>5 MS. HARDY: -- on May 5th --</p> <p>6 MS. LINDERMAN: -- and foundation.</p> <p>7 MS. HARDY: -- or 6th?</p> <p>8 MS. LINDERMAN: Objection to form and</p> <p>9 foundation.</p> <p>10 THE WITNESS: I --</p> <p>11 BY MS. HARDY:</p> <p>12 Q You waited over a month to give the details, as you knew</p> <p>13 them, to Walgreen about the wrong medication having been</p> <p>14 dispensed on May 5th or 6th.</p> <p>15 A I --</p> <p>16 MS. LINDERMAN: Objection --</p> <p>17 BY MS. HARDY:</p> <p>18 Q Why did you wait so long?</p> <p>19 A I didn't --</p> <p>20 MS. LINDERMAN: Objection to --</p> <p>21 THE WITNESS: I didn't --</p> <p>22 MS. LINDERMAN: -- form and --</p> <p>23 THE WITNESS: -- wait --</p> <p>24 MS. LINDERMAN: -- foundation.</p> <p>25 THE WITNESS: I didn't wait this long. On</p>	<p>Page 268</p> <p>1 BY MS. HARDY:</p> <p>2 Q Okay. So those are the reasons you waited so long to</p> <p>3 report it?</p> <p>4 A Maybe I couldn't find even time to -- to tell the</p> <p>5 complaint which I already have. I tried to set up an</p> <p>6 appointment. She called me, or she emailed me, and she</p> <p>7 said, "Can we set up an appointment for you?"</p> <p>8 She canceled three times. She cancelled this</p> <p>9 appointment between me and her, after May 23rd, three</p> <p>10 times.</p> <p>11 Q All right. In the course of your meeting on June 25th</p> <p>12 when you reported, for the first time, the STARS</p> <p>13 violation that had occurred back on May 5th or 6th, you</p> <p>14 were given a copy of the STARS policy to reread and</p> <p>15 sign; correct?</p> <p>16 MS. LINDERMAN: Objection to foundation.</p> <p>17 THE WITNESS: Can -- can -- when was that --</p> <p>18 this kind of --</p> <p>19 MS. HARDY: On June 25, 2013, when you are</p> <p>20 meeting with Amy and John.</p> <p>21 MS. LINDERMAN: Objection to foundation.</p> <p>22 THE WITNESS: June 25th, I got the STAR?</p> <p>23 MR. DAVIS: June 28th.</p> <p>24 BY MS. HARDY:</p> <p>25 Q Oh, I guess your -- your meeting on June 28th in</p>


<p style="text-align: right;">Page 269</p> <p>1 connection with the email that you sent on June 25th.</p> <p>2 A She give me a STAR -- a STAR paper just to sign it?</p> <p>3 Q Yeah. Let me -- let me start over with the question and</p> <p>4 make it clear.</p> <p>5 You send an email on June 25th to Amy in which</p> <p>6 you set forth a series of complaints about Donna Spencer.</p> <p>7 You then meet with her on June 28th. And in the course</p> <p>8 of that meeting you raise the fact that there was a</p> <p>9 wrong prescription given to a patient, back in early</p> <p>10 May, and you found out about it through the patient's</p> <p>11 son when he came into the pharmacy and was very upset.</p> <p>12 And she then proceeds to ask you why you</p> <p>13 didn't file out a STARS report in connection with that</p> <p>14 incident. And then she gives you a copy of the STAR</p> <p>15 policy, the company policy called -- you know, the -- to</p> <p>16 report an external event, which is a STARS report, and</p> <p>17 she asked you to read it and sign it.</p> <p>18 Is that all correct?</p> <p>19 MS. LINDERMAN: Objection to --</p> <p>20 THE WITNESS: No --</p> <p>21 MS. LINDERMAN: -- form and --</p> <p>22 THE WITNESS: -- it is --</p> <p>23 MS. LINDERMAN: -- foundation.</p> <p>24 THE WITNESS: It is not true at all.</p> <p>25</p>	<p style="text-align: right;">Page 271</p> <p>1 And she said, "But let me go back again. We</p> <p>2 are trying to say that you did a HIPAA violation, and I</p> <p>3 want you to express yourself. This is the paper. You</p> <p>4 can express yourself here. Sign there."</p> <p>5 And that's said with a very big thank you.</p> <p>6 That's what she said. I got the paper. I tried to read</p> <p>7 it. She told me, "Mervat, this is kind of HIPAA</p> <p>8 violation. Just express yourself, again, and sign it."</p> <p>9 "Okay."</p> <p>10 I -- I -- I found something like lines there.</p> <p>11 I tried to jot what happened, and when I started to do</p> <p>12 that, the other -- the other LPS told me, "No, don't</p> <p>13 sign."</p> <p>14 Q Who do you claim told you not to sign?</p> <p>15 MS. LINDERMAN: Asked and answered.</p> <p>16 THE WITNESS: LPS, who was the --</p> <p>17 BY MS. HARDY:</p> <p>18 Q John Calhoun?</p> <p>19 A Yes.</p> <p>20 Q In front of Amy?</p> <p>21 A No. She was outside doing some copies.</p> <p>22 Q Okay. All right. Let's go back to your email to Amy on</p> <p>23 June 25th, which is your report on the violations that</p> <p>24 you attribute to Donna Spencer in connection with</p> <p>25 dispensing Control 2 substances.</p>
<p style="text-align: right;">Page 270</p> <p>1 BY MS. HARDY:</p> <p>2 Q What's not true?</p> <p>3 A All the -- what you already said, it is not true at all,</p> <p>4 because -- because you said that they give -- she gave</p> <p>5 me something like a paper for a STAR just to sign it.</p> <p>6 This -- if -- if she gave me something like this, it is</p> <p>7 not something like -- you -- you have to say yes or no.</p> <p>8 It is supposed to -- to sign it right away.</p> <p>9 If she gave me something like this, I'm</p> <p>10 supposed to read it, and to see that, "Yeah, I already</p> <p>11 did that. I did that. I did that."</p> <p>12 But when she told -- she -- she -- she told</p> <p>13 me, "Mervat, you have to STAR her."</p> <p>14 I told her, "No, ma'am. I'm sorry. I</p> <p>15 couldn't STAR her, because I don't have all the</p> <p>16 information. But the one who is supposed to ask is --</p> <p>17 to be asked for that, the one who handles those stuff."</p> <p>18 And she told me, "Yes, yes, you are right. I</p> <p>19 know that this -- this kind of program didn't go</p> <p>20 through, but you know what? There -- there is another</p> <p>21 -- another way you can let it go. Try to remind your --</p> <p>22 your pharmacy manager to -- to show you how to -- how to</p> <p>23 override this kind of -- all this kind of information</p> <p>24 just to say it as a story."</p> <p>25 I told her, "Okay. I will."</p>	<p style="text-align: right;">Page 272</p> <p>1 You set forth your complaint, in Exhibit No. 5,</p> <p>2 and then you met with Amy and John Calhoun on</p> <p>3 September 28th; correct?</p> <p>4 A June 28th.</p> <p>5 Q Or June 28th. I'm sorry.</p> <p>6 And in -- in the course of that conversation,</p> <p>7 you've testified about discussing the dispensing of the</p> <p>8 wrong medication with the -- for the father of the son</p> <p>9 who was in front of you. We've already covered that.</p> <p>10 Is there anything else that you discussed?</p> <p>11 A I tried to go with that -- I tried to -- I just put it</p> <p>12 like points -- one, two, three, four, five -- just to</p> <p>13 let her know everything about what happened in the</p> <p>14 pharmacy. Once she heard about it -- one -- one --</p> <p>15 whoever there, and there is something like that she</p> <p>16 already heard the name, and she said, "No, no, no, no,</p> <p>17 no. Why you didn't do that?"</p> <p>18 I told her the truth.</p> <p>19 She said, "Yeah, yeah. I know that -- it is</p> <p>20 very strict, the form, but you know what? You can</p> <p>21 override all information they asked you for. Ask your</p> <p>22 -- your pharmacy" --</p> <p>23 Q All right.</p> <p>24 A -- "manager."</p> <p>25 Q This isn't making any sense without being more specific.</p>

<p style="text-align: right;">Page 273</p> <p>1 What did you tell her in the June 28th 2 meeting? 3 A That's what I already told her. Maybe I tried to tell 4 her about -- about the unfair treatment I got in the 5 pharmacy. 6 Q Okay. 7 A And -- 8 Q All right. So you told her about unfair treatment in 9 the pharmacy, because of the way you felt Ms. Spencer 10 was treating you and not being nice to you? 11 MS. LINDERMAN: Objection to form and 12 foundation. 13 BY MS. HARDY: 14 Q Is that what you're referring to? 15 A I told her the bad treatment I got there -- 16 Q Okay. 17 A -- yes. 18 Q Let's approach it this way. 19 Tell me everything you told Ms. Spencer -- or 20 strike that. 21 Tell me everything you told Ms. Amy Yadmark 22 and John Calhoun in the June 28, 2013 meeting. 23 A Believe me, I cannot remember every single word I said. 24 Q Tell me the substance that you conveyed. What were the 25 issues that you brought to their attention in that</p>	<p style="text-align: right;">Page 275</p> <p>1 me suspect to even sign any paper she give me -- she 2 give it to me, because she even didn't tell me. 3 And she told me, "I'm going to ask my lawyers 4 there with Walgreen to see if you did this kind of HIPAA 5 violation, what I have to do with you? If they said 6 that, 'The first option just to terminate her,' I will 7 do it right away." 8 That's what she said. 9 Q All right. All right. What did you tell her in the 10 meeting? 11 A That -- what -- that what happened in, like, 15 minutes 12 or 20 minutes while I was there. That's it. I already 13 jotted down a lot of the stuff, but she said, "Mervat, I 14 don't have the whole day just to hear you." 15 Q Okay. Did you tell her anything else about 16 Donna Spencer and what you believed -- 17 A She -- 18 Q -- was wrongdoing of Donna Spencer? 19 A She -- she didn't want to listen, and she said like 20 one -- one sentence, like, four times in a row. 21 She said, "Your manager was a supervisor doing 22 the great job, doing the great work. You don't know how 23 much. Follow her for whatever she doing. She is just 24 excellent. That's what I can say." 25 After a while, she -- she repeated. This was</p>
<p style="text-align: right;">Page 274</p> <p>1 meeting? 2 A I told her -- she said, "Why you did this prescription 3 and you -- you sent it over your email?" 4 I told her, "Because even I didn't hear about 5 Walgreen's email before, and supposed somebody just to 6 show me how to use it. I didn't" -- 7 "You know what? More than that, I didn't get 8 a lab coat from Walgreen's, and I was there for more 9 than 11 -- 11 months there. You know what? I didn't 10 get the whole information supposed to get, because the 11 whole time just trying to cover somebody there, or here, 12 or here, or doing my best job with Walgreen's." 13 That's what I already told her. 14 I told her, "Ma'am, I did that. I" -- 15 "She's mad that you are helping here and 16 there. You -- you just -- get you -- a lot of -- of -- 17 of pharmacists, they wear coats, but I cannot override 18 it. You did HIPAA violation. You are terminated." 19 I -- I told her, "It's okay." 20 And when I tried just to leave, she said, 21 "Mervat, I will" -- she give me the -- the paper just to 22 sign. I said, "I -- I'm going to sign it there -- in -- 23 in -- at home." 24 And she snatched it from me, and she put it 25 from -- just hide it. And after that, that's what make</p>	<p style="text-align: right;">Page 276</p> <p>1 in front of Mr. -- 2 Q Calhoun? 3 A Yes, Mr. Calhoun. 4 Q Okay. Is there anything else that you told Amy Yadmark 5 or John Calhoun in that meeting on June 28th about 6 Donna Spencer? 7 A I cannot remember, but maybe yes, maybe no. But I 8 cannot remember right away. 9 Q Well, take whatever time you need to think back on that 10 meeting. 11 A Maybe because I just put, like, notes there. Maybe if I 12 -- if I go there, but even I don't know where is the 13 notes. I don't know where did I put all this stuff, so 14 even I don't know how -- how to get it. 15 Q Do you have any notes that you took during the meeting, 16 or after the meeting, to memorialize the content of the 17 meeting? 18 A No. 19 Q Okay. All right. Did you ever discuss Donna Spencer 20 with Jeremy Willis and anything that you thought she'd 21 done that was improper? 22 A Yes. I already discussed those stuff with Jeremy. It 23 was the first time even -- not first time. The second 24 time I met him on April 22nd. 25 Q You met Jeremy on April 22nd?</p>

<p style="text-align: right;">Page 277</p> <p>1 A Yes.</p> <p>2 Q And what did you tell Jeremy --</p> <p>3 A And it was --</p> <p>4 Q -- on April 22nd?</p> <p>5 A -- around 6:00 p.m., and he was there just trying to</p> <p>6 figure out about what's going on here and there. I told</p> <p>7 that he's coming just for me, because at this day --</p> <p>8 Q What did you tell him?</p> <p>9 A I wanted to finish this sentence.</p> <p>10 Q I know, but -- but you're into all kinds of background.</p> <p>11 I just want to know what you told Jeremy Willis about</p> <p>12 Donna Spencer and her wrongdoing from your point of</p> <p>13 view.</p> <p>14 A I told him the -- the bad treatment she gave to me. All</p> <p>15 -- all stuff with her bad treatment. And I showed him</p> <p>16 by his -- I -- I already give -- told him about that</p> <p>17 plan she gave me every week, and it is coming like</p> <p>18 something regarding the garbage, something to -- to the</p> <p>19 pharmacy.</p> <p>20 Something like -- like to -- to order --</p> <p>21 different order to -- to wash up that sink, and -- or --</p> <p>22 and I told him about the STARS that she put to me, and</p> <p>23 both of them supposed to go to her.</p> <p>24 I showed him everything -- single prescription</p> <p>25 she STAR'd me, and I told him, "Where is me in all this</p>	<p style="text-align: right;">Page 279</p> <p>1 A That's what I already told him.</p> <p>2 Q All right. Did you talk to Jeremy Willis on any</p> <p>3 occasion, other than April 22, 2013, about Donna Spencer</p> <p>4 and anything that she did that you thought was inappropriate?</p> <p>5 A I tried to reach him, maybe, May.</p> <p>6 Q But did -- did you -- did you talk to him?</p> <p>7 A I called him once, maybe June, maybe May. I'm not sure.</p> <p>8 Q Did you connect with him?</p> <p>9 A I called him.</p> <p>10 Q Did you talk to him?</p> <p>11 A Yes.</p> <p>12 Q Okay. In -- in June or July?</p> <p>13 A June or May.</p> <p>14 Q May, okay.</p> <p>15 And what did you tell him during that</p> <p>16 conversation?</p> <p>17 A "Can you help me, please, to -- to be -- I want to be</p> <p>18 switched from this store to another one?"</p> <p>19 Q Anything else?</p> <p>20 A That's what I told him.</p> <p>21 Q Okay.</p> <p>22 A He told me, "Mervat, when I was there on April 22nd, I</p> <p>23 got all the issues from you.</p> <p>24 Q Um-hmm.</p> <p>25 A I forward all the issues to Amy. I think she talked</p>
<p style="text-align: right;">Page 278</p> <p>1 stuff? This is the stuff coming to me. Can you show me</p> <p>2 where -- where -- where am I there? Can you show me my</p> <p>3 initial here or there? Can you show me why she put all</p> <p>4 those stuff on me?"</p> <p>5 Especially because she -- when she came in</p> <p>6 January, she didn't know anything, and I tried to tell</p> <p>7 her, "There's supposed to be confirmation for a</p> <p>8 particular prescription, because affects the -- the --</p> <p>9 the -- the life of the patient, and the -- the history</p> <p>10 of the patient didn't go with that."</p> <p>11 She told me, "Mervat, you have the right to do</p> <p>12 the prescription, itself. This is the only thing you</p> <p>13 have to go with, and if that patient -- if that</p> <p>14 prescriber just prescribe it wrong, it is coming to him,</p> <p>15 not to me. Just do the prescription."</p> <p>16 I told him [sic], "Ma'am, I just want to</p> <p>17 verify it, if it is right or wrong."</p> <p>18 She said, "No."</p> <p>19 And when coming back, I already process it,</p> <p>20 and it was -- this was just one prescription, and it was</p> <p>21 something wrong, because the doctor already put it</p> <p>22 there. Um --</p> <p>23 Q Okay. You're -- you're getting into too much detail. I</p> <p>24 just want to know what complaints you conveyed to</p> <p>25 Jeremy Willis about --</p>	<p style="text-align: right;">Page 280</p> <p>1 with her and you got a little bit --</p> <p>2 "Yes, I got like five days, or five or six</p> <p>3 days apiece with her."</p> <p>4 "But you didn't email me with all the</p> <p>5 situation which I already asked you for. I asked you</p> <p>6 several times just to send email to me. Mention every</p> <p>7 single -- as events happened there just to help you,</p> <p>8 because this is totally a red flag."</p> <p>9 Q All right. Did -- did -- did you do that? Did you do</p> <p>10 what he asked you to do?</p> <p>11 A No. I just emailed him in May or June. I'm not sure,</p> <p>12 but I already have all emails with me.</p> <p>13 Q Um-hmm.</p> <p>14 A I will try to find out about that.</p> <p>15 And I just mentioned a little stuff just to</p> <p>16 help me to switch from this store.</p> <p>17 Q Well, did you tell him all the important things that</p> <p>18 Donna Spencer had done that you thought were wrong and</p> <p>19 inappropriate, and that supported your desire to move to</p> <p>20 another store?</p> <p>21 A I -- I told him, like, more than 90 percent from that,</p> <p>22 which I already discovered at this moment.</p> <p>23 Q Did you talk to Amy Yadmark about Donna Spencer on any</p> <p>24 occasion other than June 28th?</p> <p>25 MS. LINDERMAN: Objection to form and</p>

<p>1 foundation.</p> <p>2 THE WITNESS: After all emails which was</p> <p>3 between me and her, I'm trying to ask for transfer</p> <p>4 June 28th, and she called me on June -- July 8th --</p> <p>5 July -- July -- not 7th -- 8th, and -- and she told me</p> <p>6 with a very happy voice:</p> <p>7 "Mervat, I want to tell you happy birthday for</p> <p>8 today. And I wanted to give you good news. My</p> <p>9 lawyer -- my lawyers didn't allow me to terminate you,</p> <p>10 because you didn't do something wrong with this kind of</p> <p>11 HIPAA violation. What you can get is -- will be another</p> <p>12 training for HIPAA. That's what you -- I can tell you</p> <p>13 right now."</p> <p>14 BY MS. HARDY:</p> <p>15 Q When do you claim she told you that? July --</p> <p>16 A 8th.</p> <p>17 MS. HARDY: Okay. All right. I'm going to</p> <p>18 show you Exhibit No. 6.</p> <p>19 (Marked for identification:</p> <p>20 Deposition Exhibit No. 6.)</p> <p>21 BY MS. HARDY:</p> <p>22 Q Is this the email that you sent to Jeremy Willis, at his</p> <p>23 request, where he wanted you to put down all the major</p> <p>24 violations that -- that Donna Spencer had committed?</p> <p>25 A Okay.</p>	<p>Page 281</p> <p>1 day before. It was Tuesday.</p> <p>2 I called him on Tuesday and tried -- I was on</p> <p>3 front of the store, and I told him a little bit of</p> <p>4 issues happened with me on this day.</p> <p>5 And I told -- he told me, "I know what you are</p> <p>6 talking about without even telling me. I can imagine.</p> <p>7 But you didn't give me any other -- any kind of email.</p> <p>8 I cannot speak any one word without giving me email,</p> <p>9 because this coming like -- like I'm telling something</p> <p>10 from my -- my imagination."</p> <p>11 "So can you just give me that -- that -- that</p> <p>12 stuff which -- like documents that you're already in</p> <p>13 trouble with her, so I can tell that -- your -- your</p> <p>14 supervisor?"</p> <p>15 So I just sent this like a -- stuff, but it is</p> <p>16 not the whole -- the whole stuff.</p> <p>17 Q But Exhibit No. 6 summarizes the important complaints</p> <p>18 you have about the conduct of Donna Spencer?</p> <p>19 A Yes.</p> <p>20 MS. LINDERMAN: Objection to form --</p> <p>21 MS. HARDY: All right.</p> <p>22 MS. LINDERMAN: -- and foundation.</p> <p>23 BY MS. HARDY:</p> <p>24 Q All right. So you had two conversations with Amy, one</p> <p>25 on June 8th and June -- July 6th, in which you reported</p>
<p>Page 282</p> <p>1 Q And I believe you testified you put 90 percent of them</p> <p>2 down in the email that you sent to Jeremy?</p> <p>3 A It was forwarded from me to Jeremy, yes. Yes.</p> <p>4 Q All right. So Exhibit No. 6 is the email that you were</p> <p>5 referencing, just a few minutes ago, when you said you</p> <p>6 put down 90 percent of the issues with Donna Spencer</p> <p>7 that you were upset about and found to be inappropriate?</p> <p>8 A Um-hmm, yes.</p> <p>9 Q Okay. All right. So you had a conversation with Amy on</p> <p>10 June 28th and --</p> <p>11 A Can I --</p> <p>12 Q -- then another one --</p> <p>13 A -- say something for that? This one, I think it was on</p> <p>14 June 5th, and just I mentioned the -- the later evidence</p> <p>15 happened with me. That's what I can see. It was</p> <p>16 something -- he already heard about -- about what</p> <p>17 happened before April 22nd, but I think --</p> <p>18 Can I read this, please?</p> <p>19 Q Yes, of course.</p> <p>20 Here's a better copy of Exhibit No. 6.</p> <p>21 A Yes, um-hmm. Yes.</p> <p>22 Q What are you saying "yes" to?</p> <p>23 A This is something like what happened. I already tried</p> <p>24 to tell him on April 22nd, and when I called him at this</p> <p>25 day, after done with my work -- not at this day. The</p>	<p>Page 284</p> <p>1 the wrongdoing of Donna Spencer. Were there any others?</p> <p>2 A With Mr. Jeremy?</p> <p>3 Q With Amy.</p> <p>4 A With Amy?</p> <p>5 Q Yes.</p> <p>6 A I -- I -- can you say the date again?</p> <p>7 Q June 28th and July 6th.</p> <p>8 A 6th?</p> <p>9 Q July 6th.</p> <p>10 A No. I didn't just speak with her on July 6th. I</p> <p>11 already spoke to her. After she -- she --</p> <p>12 Q Did she call you on the phone on July 6th?</p> <p>13 A July 8th.</p> <p>14 Q Okay. Sorry.</p> <p>15 So you had two conversations with Amy, one on</p> <p>16 June 28th and the other on July 8th, about your</p> <p>17 complaints concerning Donna Spencer and the wrongdoing</p> <p>18 you claim she engaged in?</p> <p>19 A I didn't say any -- any -- any words to her on July 8th,</p> <p>20 because she just -- she just said, "Good news. There's</p> <p>21 nothing coming up."</p> <p>22 Q Okay. All right. So then let me rephrase.</p> <p>23 You had one conversation with Amy in which you</p> <p>24 reported wrongdoing of Donna Spencer, and that was on</p> <p>25 June 28, 2013?</p>

<p style="text-align: right;">Page 285</p> <p>1 A June 28th.</p> <p>2 Q Is that correct?</p> <p>3 A Yes.</p> <p>4 Q All right. And you had one conversation with</p> <p>5 Jeremy Willis on April 22nd, and then you sent him an</p> <p>6 email on June 25th in which you summarize the important</p> <p>7 issues concerning Donna Spencer?</p> <p>8 A I -- I have this one for June 5th, so I don't -- there</p> <p>9 is nothing like 25th in front of me even to tell you.</p> <p>10 Q Were there any other communications with Jeremy Willis</p> <p>11 in which you reported the wrongdoing of Donna Spencer?</p> <p>12 A Oh, okay. Yeah, yeah. I already -- yeah. That was --</p> <p>13 this is the two communications between me and him, and</p> <p>14 the third one was there in the -- in the pharmacy,</p> <p>15 itself, in the meeting room, or the manager office, on</p> <p>16 July 11th.</p> <p>17 Q Okay. What did you tell Jeremy Willis about</p> <p>18 Donna Spencer on July 11th?</p> <p>19 A July 11th, Ms. Amy just set up this -- this meeting to</p> <p>20 tell me, again -- or to Amy, again, about HIPAA</p> <p>21 violation. That's it. But when I was there, she said:</p> <p>22 "Can you just resolve this issue, please, like</p> <p>23 right now? We want to resolve it at 100 percent from</p> <p>24 the root. Can you tell me what is wrong with you,</p> <p>25 because what I can see, even when you came in, in the</p>	<p style="text-align: right;">Page 287</p> <p>1 Donna Spencer, and her alleged wrongdoing, to Amy?</p> <p>2 MS. LINDERMAN: Objection to form and</p> <p>3 foundation.</p> <p>4 THE WITNESS: I already told her everything</p> <p>5 about -- by --</p> <p>6 MS. HARDY: Have you --</p> <p>7 THE WITNESS: -- the end --</p> <p>8 MS. HARDY: -- told --</p> <p>9 THE WITNESS: -- of this year.</p> <p>10 BY MS. HARDY:</p> <p>11 Q -- me everything, on this record, that you told Amy?</p> <p>12 A No.</p> <p>13 Q What else did you tell Amy, if anything?</p> <p>14 A I -- you can find it there with the email. It is</p> <p>15 coming, like -- she signed me out from the whole system.</p> <p>16 She -- in front of the customer, she said a lot of</p> <p>17 times, "Go out. Go out. Go home," several times.</p> <p>18 She try -- there was a technician, and there</p> <p>19 is a -- a pharmacist. She asked that -- that -- that</p> <p>20 technician to ask to the pharmacist. That's what I</p> <p>21 already told her. I think I already told her everything.</p> <p>22 Q Have you testified to everything that you told Amy</p> <p>23 during this deposition today?</p> <p>24 A Yes. Most of them I already did, yes.</p> <p>25 Q Okay. Is there anything you've left out?</p>
<p style="text-align: right;">Page 286</p> <p>1 morning, you didn't say 'hi' to Donna Spencer?"</p> <p>2 Q Okay. I want to know what you told Amy, if anything, on</p> <p>3 July 11th, about the wrongdoing of Donna Spencer.</p> <p>4 A I already told her a lot about this. I told her, "She</p> <p>5 hates me. She's trying to make, like, physical</p> <p>6 harassment. She -- the last time I already emailed you,</p> <p>7 and I'm not sure what -- when was it emailed, but it is</p> <p>8 there with me. I can find the date."</p> <p>9 And I -- I told her, "She -- she had the</p> <p>10 calendar, why I was working, and she screamed at me. I</p> <p>11 lost my -- my -- my concentration. I -- I couldn't do</p> <p>12 my -- my work good. She did a lot of this stuff. I</p> <p>13 don't know for what."</p> <p>14 But she told me, "Mervat, I'm 100 percent that</p> <p>15 she's treating with you very good this week."</p> <p>16 Q Is there anything that you haven't testified to that you</p> <p>17 told Amy, on any occasion, about Donna Spencer in terms</p> <p>18 -- in -- in connection with wrongdoing that you claim</p> <p>19 she's engaged in?</p> <p>20 MS. LINDERMAN: Objection to form and</p> <p>21 foundation.</p> <p>22 THE WITNESS: Did I tell her that before, or</p> <p>23 at this day?</p> <p>24 BY MS. HARDY:</p> <p>25 Q Is there anything more that you recorded about</p>	<p style="text-align: right;">Page 288</p> <p>1 A I didn't say it, or you didn't read it?</p> <p>2 Q No. Is there anything that you told Amy about</p> <p>3 Donna Spencer that you have not testified to, today, in</p> <p>4 this deposition?</p> <p>5 A I told her about she -- she hurts me when she -- she</p> <p>6 hurt me when she said something regarding my Egyptian</p> <p>7 nationality. I already told her that before, not on</p> <p>8 July 11th. Um-hmm.</p> <p>9 MS. HARDY: Okay. All right. We've agreed to</p> <p>10 adjourn today at five, and it's now after five, so we</p> <p>11 will adjourn, and --</p> <p>12 MS. LINDERMAN: We'll have to figure out how</p> <p>13 much time we'll add. We're at six and a half hours, but</p> <p>14 I think that we can agree to a little bit of an</p> <p>15 extension of the seven hours. I'm just not saying I'm</p> <p>16 going to give you another seven.</p> <p>17 MS. HARDY: Okay. All right. Fair enough.</p> <p>18 THE VIDEOGRAPHER: Okay. We're --</p> <p>19 MS. HARDY: I don't think --</p> <p>20 THE VIDEOGRAPHER: -- going --</p> <p>21 MS. HARDY: -- I could take another seven</p> <p>22 hours.</p> <p>23 THE VIDEOGRAPHER: We're going off the record</p> <p>24 at 5:05.</p> <p>25 (The deposition was adjourned at 5:05 p.m.)</p>

1 STATE OF MICHIGAN)
2) SS
3 COUNTY OF MACOMB)
4
5 CERTIFICATE OF NOTARY PUBLIC
6
7 I, Kelli A. Murphy, a Notary Public in and
8 for the above county and state, do hereby certify that
9 this transcript is a complete, true, and correct record
10 of the testimony of the witness held in this case.
11
12 I also certify that prior to taking this
13 deposition, the witness was duly sworn or affirmed to
14 tell the truth.
15
16 I further certify that I am not a relative or
17 an employee of or an attorney for a party; and that I am
18 not financially interested, directly or indirectly, in
19 the matter.
20
21 In witness whereof, I hereby set my
22 hand this day, Saturday, July 26, 2014.
23
24
25

Kelli A. Murphy, CSR-7768
Notary Public, Macomb County, Michigan
Signing in Oakland County, Michigan
My Commission expires: January 7, 2018